

REQUEST FOR BOARD ACTION

HENDERSON COUNTY BOARD OF COMMISSIONERS

MEETING DATE: May 18, 2022

SUBJECT: Juvenile Crime Prevention Council – Revised Bylaws

PRESENTER: Sally Buchholz, JCPC Vice-Chairman

ATTACHMENTS: YES
1. Bylaws Governing the Henderson County Juvenile Crime Prevention Council

SUMMARY OF REQUEST:

The Henderson County Juvenile Crime Prevention Council (JCPC) is requesting the Board of Commissioners approve a revision to their By-Laws. The requested revision removes the section related to attendance. Statute requires any revisions to the JCPC Bylaws approved by the Governing Board.

BOARD ACTION REQUESTED:

The Board is requested to approve the JCPC revised Bylaws as presented.

Suggested Motion:

I move that the Board approve the JCPC Revisions to the JCPC Bylaws as presented.

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 reduce recidivism with court involved juveniles and prevent juveniles who are at risk, from becoming delinquent.**
- B. Develop community-based alternatives to Youth Development Centers and to provide community-based delinquency and substance abuse prevention strategies and programs.**
- C. Provide non-institutional dispositional alternatives that will protect the community 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 toward the expenditure of funds to prioritize the creation of resources for court-involved juveniles (intervention) and/or at risk juveniles (prevention). 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 shall examine the benefits of joint program development between counties within the same judicial district.

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Article IV

Membership

- A. Planning efforts, to include but not be limited to risk assessments, needs assessments, resources assessments, etc., 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):
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| ▪ Local school superintendent, or designee, | • County commissioner |
| ▪ Chief of police, or designee | • Two persons under 21, with one a member of the State Youth Council |
| ▪ Local Sheriff, or designee | • Juvenile Defense Attorney |
| ▪ District attorney, or designee | • Chief District Court judge, or designee judge |
| ▪ Chief Court Counselor, or designee | • Member of Business Community |
| ▪ Director of Mental Health, or designee | • Health Director, or designee |
| ▪ Director of Social Services, or designee | • United Way or nonprofit representative |
| ▪ County Manager or designee | • Parks and Recreation Rep |
| ▪ Substance Abuse Professional | • Up to seven members of the public, as appointed by the County Commissioners |
| ▪ Member of Faith Community | |
- 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, Chairperson and Vice-Chairperson, shall take place by the following procedure.
 - 1. The Chairperson shall appoint a Nominating Committee, consisting of a minimum of two 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 Chairperson to preside at all meetings.
- E. The Vice-Chairperson shall perform duties of the Chairperson in the absence of the Chairperson.
- F. In the absence of the Chairperson and Vice-Chairperson from a meeting, the Council shall select a member to serve as Acting Chairperson for that meeting by a majority vote of the members.
- G. The Council shall contract services for a Clerk to the Council when necessary. This individual will be paid on a contract for service basis. The annual contract amount shall be set and agreed upon by 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 Chairperson.

Article VI

Meetings

- A. Regular meetings of the Council shall be held once a month, generally on the fourth Thursday of each month, and shall be held in the Training Room of the HPD (630 Ashe Street) or the Board of Commissioners Office Building (100 North King Street), Hendersonville, North Carolina or at some other designated place. Final location should be posted on the Henderson County website in the County Calendar section. 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 Chairperson 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. Meetings may be held virtually as deemed necessary and voted on by a majority of the Council Membership
- 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 Chairperson, or upon request, which may be written or electronic, 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 or by electronic mail. 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 33C.

Meetings of Public Bodies.

§ 143-318.9. Public policy.

Whereas the public bodies that administer the legislative, policy-making, quasi-judicial, administrative, and advisory functions of North Carolina and its political subdivisions exist solely to conduct the people's business, it is the public policy of North Carolina that the hearings, deliberations, and actions of these bodies be conducted openly. (1979, c. 655, s. 1.)

§ 143-318.10. All official meetings of public bodies open to the public.

(a) Except as provided in G.S. 143-318.11, 143-318.14A, 143-318.15, and 143-318.18, each official meeting of a public body shall be open to the public, and any person is entitled to attend such a meeting.

(b) As used in this Article, "public body" means any elected or appointed authority, board, commission, committee, council, or other body of the State, or of one or more counties, cities, school administrative units, constituent institutions of The University of North Carolina, or other political subdivisions or public corporations in the State that (i) is composed of two or more members and (ii) exercises or is authorized to exercise a legislative, policy-making, quasi-judicial, administrative, or advisory function. In addition, "public -body" means the governing board of a "public hospital" as defined in G.S. 159-39 and the governing board of any nonprofit corporation to which a hospital facility has been sold or conveyed pursuant to G.S. 131E-8, any subsidiary of such nonprofit corporation, and any nonprofit corporation owning the corporation to which the hospital facility has been sold or conveyed.

(c) "Public body" does not include (i) a meeting solely among the professional staff of a public body, or (ii) the medical staff of a public hospital or the medical staff of a hospital that has been sold or conveyed pursuant to G.S. 131E-8.

(d) "Official meeting" means a meeting, assembly, or gathering together at any time or place or the simultaneous communication by conference telephone or other electronic means of a majority of the members of a public body for the purpose of conducting hearings, participating in deliberations, or voting upon or otherwise transacting the public business within the jurisdiction, real or apparent, of the public body. However, a social meeting or other informal assembly or gathering together of the members of a public body does not constitute an official meeting unless called or held to evade the spirit and purposes of this Article.

(e) Every public body shall keep full and accurate minutes of all official meetings, including any closed sessions held pursuant to G.S. 143-318.11. Such minutes may be in written form or, at the option of the public body, may be in the form of sound or video and sound recordings. When a public body meets in closed session, it shall keep a general account of the closed session so that a person not in attendance would have a reasonable understanding of what transpired. Such accounts may be a written narrative, or video or audio recordings. Such minutes and accounts shall be public records within the meaning of the Public Records Law, G.S. 132-1 et seq.; provided, however, that minutes or an account of a closed session conducted in compliance with G.S. 143-318.11 may be withheld from public inspection so long as public inspection would frustrate the purpose of a closed session. (1979, c. 655, s. 1; 1985 (Reg. Sess., 1986), c. 932, s. 4; 1991, c. 694, ss. I, 2; 1993 (Reg. Sess., 1994), c. 570, s. I; 1995, c. 509, s. 135.2(p); 1997-290, s. I; 1997-465, s. 27.)

§ 143-318.11. Closed sessions.

(a) Permitted Purposes. - It is the policy of this State that closed sessions shall be held only when required to permit a public body to act in the public interest as permitted in this section. A public body may hold a closed session and exclude the public only when a closed session is required:

- (1) To prevent the disclosure of information that is privileged or confidential pursuant to the law of this State or of the United States, or not considered a public record within the meaning of Chapter 132 of the General Statutes.
- (2) To prevent the premature disclosure of an honorary degree, scholarship, prize, or similar award.
- (3) To consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege between the attorney and the public body, which privilege is hereby acknowledged. General policy matters may not be discussed in a closed session and nothing herein shall be construed to permit a public body to close a meeting that otherwise would be open merely because an attorney employed or retained by the public body is a participant. The public body may consider and give instructions to an attorney concerning the handling or settlement of a claim, judicial action, mediation, arbitration, or administrative procedure. If the public body has approved or considered a settlement, other than a malpractice settlement by or on behalf of a hospital, in closed session, the terms of that settlement shall be reported to the public body and entered into its minutes as soon as possible within a reasonable time after the settlement is concluded.
- (4) To discuss matters relating to the location or expansion of industries or other businesses in the area served by the public body, including agreement on a tentative list of economic development incentives that may be offered by the public body in negotiations. The action approving the signing of an economic development contract or commitment, or the action authorizing the payment of economic development expenditures, shall be taken in an open session.
- (5) To establish, or to instruct the public body's staff or negotiating agents concerning the position to be taken by or on behalf of the public body in negotiating (i) the price and other material terms of a contract or proposed contract for the acquisition of real property by purchase, option, exchange, or lease; or (ii) the amount of compensation and other material terms of an employment contract or proposed employment contract.
- (6) To consider the qualifications, competence, performance, character, fitness, conditions of appointment, or conditions of initial employment of an individual public officer or employee or prospective public officer or employee; or to hear or investigate a complaint, charge, or grievance by or against an individual public officer or employee. General personnel policy issues may not be considered in a closed session. A public body may not consider the qualifications, competence, performance, character, fitness, appointment, or removal of a member of the public body or another body and may not consider or fill a vacancy among its own membership except in an open meeting. Final action making an appointment or discharge or removal by a public body having final authority for the appointment or discharge or removal shall be taken in an open meeting.

- (7) To plan, conduct, or hear reports concerning investigations of alleged criminal misconduct.
- (8) To formulate plans by a local board of education relating to emergency response to incidents of school violence.
- (9) To discuss and take action regarding plans to protect public safety as it relates to existing or potential terrorist activity and to receive briefings by staff members, legal counsel, or law enforcement or emergency service officials concerning actions taken or to be taken to respond to such activity.
- (b) Repealed by Session Laws 1991, c. 694, s. 4.
- (c) Calling a Closed Session. - A public body may hold a closed session only upon a motion duly made and adopted at an open meeting. Every motion to close a meeting shall cite one or more of the permissible purposes listed in subsection (a) of this section. A motion based on subdivision (a)(1) of this section shall also state the name or citation of the law that renders the information to be discussed privileged or confidential. A motion based on subdivision (a)(3) of this section shall identify the parties in each existing lawsuit concerning which the public body expects to receive advice during the closed session.
- (d) Repealed by Session Laws 1993 (Reg. Sess., 1994), c. 570, s. 2. (1979, c. 655, s. 1; 1981, c. 831; 1985 (Reg. Sess., 1986), c. 932, s. 5; 1991, c. 694, ss. 3, 4; 1993 (Reg. Sess., 1994), c. 570, s. 2; 1995, c. 509, s. 84; 1997-222, s. 2; 1997-290, s. 2; 2001-500, s. 2; 2003-180, s. 2.)

§ 143-318.12. Public notice of official meetings.

(a) If a public body has established, by ordinance, resolution, or otherwise, a schedule of regular meetings, it shall cause a current copy of that schedule, showing the time and place of regular meetings, to be kept on file as follows:

- (1) For public bodies that are part of State government, with the Secretary of State;
- (2) For the governing board and each other public body that is part of a county government, with the clerk to the board of county commissioners;
- (3) For the governing board and each other public body that is part of a city government, with the city clerk;
- (4) For each other public body, with its clerk or secretary, or, if the public body does not have a clerk or secretary, with the clerk to the board of county commissioners in the county in which the public body normally holds its meetings.

If a public body changes its schedule of regular meetings, it shall cause the revised schedule to be filed as provided in subdivisions (1) through (4) of this subsection at least seven calendar days before the day of the first meeting held pursuant to the revised schedule.

(b) If a public body holds an official meeting at any time or place other than a time or place shown on the schedule filed pursuant to subsection (a) of this section, it shall give public notice of the time and place of that meeting as provided in this subsection.

- (1) If a public body recesses a regular, special, or emergency meeting held pursuant to public notice given in compliance with this subsection, and the time and place at which the meeting is to be continued is announced in open session, no further notice shall be required.
- (2) For any other meeting, except an emergency meeting, the public body shall cause written notice of the meeting stating its purpose (i) to be posted on the principal bulletin board of the public body or, if the public body has no such bulletin board, at the door of its usual meeting room, and (ii) to be mailed, e-mailed, or delivered to each newspaper, wire service, radio station, and

television station that has filed a written request for notice with the clerk or secretary of the public body or with some other person designated by the public body. The public body shall also cause notice to be mailed, e-mailed, or delivered to any person, in addition to the representatives of the media listed above, who has filed a written request with the clerk, secretary, or other person designated by the public body. This notice shall be posted and mailed, e-mailed, or delivered at least 48 hours before the time of the meeting. The notice required to be posted on the principal bulletin board or at the door of its usual meeting room shall be posted on the door of the building or on the building in an area accessible to the public if the building containing the principal bulletin board or usual meeting room is closed to the public continuously for 48 hours before the time of the meeting. The public body may require each newspaper, wire service, radio station, and television station submitting a written request for notice to renew the request annually. The public body shall charge a fee to persons other than the media, who request notice, often dollars (\$10.00) per calendar year, and may require them to renew their requests quarterly. No fee shall be charged for notices sent by e-mail.

- (3) For an emergency meeting, the public body shall cause notice of the meeting to be given to each local newspaper, local wire service, local radio station, and local television station that has filed a written request, which includes the newspaper's, wire service's, or station's telephone number, for emergency notice with the clerk or secretary of the public body or with some other person designated by the public body. This notice shall be given either by e-mail, by telephone, or by the same method used to notify the members of the public body and shall be given immediately after notice has been given to those members. This notice shall be given at the expense of the party notified. Only business connected with the emergency may be considered at a meeting to which notice is given pursuant to this paragraph.
- (c) Repealed by Session Laws 1991, c. 694, s. 6.
- (d) If a public body has a Web site and has established a schedule of regular meetings, the public body shall post the schedule of regular meetings to the Web site.
- (e) If a public body has a Web site that one or more of its employees maintains, the public body shall post notice of any meeting held under subdivisions (b)(1) and (b)(2) of this section prior to the scheduled time of that meeting.
- (f) For purposes of this section, an "emergency meeting" is one called because of generally unexpected circumstances that require immediate consideration by the public body. (1979, c. 655, s. 1; 1991, c. 694, ss. 5, 6; 2009-350, s. 1.)

§ 143-318.13. Electronic meetings; written ballots; acting by reference.

(a) Electronic Meetings. - If a public body holds an official meeting by use of conference telephone or other electronic means, it shall provide a location and means whereby members of the public may listen to the meeting and the notice of the meeting required by this Article shall specify that location. A fee of up to twenty-five dollars (\$25.00) may be charged each such listener to defray in part the cost of providing the necessary location and equipment.

(b) Written Ballots. - Except as provided in this subsection or by joint resolution of the General Assembly, a public body may not vote by secret or written ballot. If a public body decides to vote by written ballot, each member of the body so voting shall sign his or her ballot; and the

minutes of the public body shall show the vote of each member voting. The ballots shall be available for public inspection in the office of the clerk or secretary to the public body immediately following the meeting at which the vote took place and until the minutes of that meeting are approved, at which time the ballots may be destroyed.

(c) Acting by Reference. - The members of a public body shall not deliberate, vote, or otherwise take action upon any matter by reference to a letter, number or other designation, or other secret device or method, with the intention of making it impossible for persons attending a meeting of the public body to understand what is being deliberated, voted, or acted upon. However, this subsection does not prohibit a public body from deliberating, voting, or otherwise taking action by reference to an agenda, if copies of the agenda, sufficiently worded to enable the public to understand what is being deliberated, voted, or acted upon, are available for public inspection at the meeting. (1979, c. 655, s. 1.)

§ 143-318.14. Broadcasting or recording meetings.

(a) Except as herein below provided, any radio or television station is entitled to broadcast all or any part of a meeting required to be open. Any person may photograph, film, tape- record, or otherwise reproduce any part of a meeting required to be open.

(b) A public body may regulate the placement and use of equipment necessary for broadcasting, photographing, filming, or recording a meeting, so as to prevent undue interference with the meeting. However, the public body must allow such equipment to be placed within the meeting room in such a way as to permit its intended use, and the ordinary use of such equipment shall not be declared to constitute undue interference; provided, however, that if the public body, in good faith, should determine that the size of the meeting room is such that all the members of the public body, members of the public present, and the equipment and personnel necessary for broadcasting, photographing, filming, and tape-recording the meeting cannot be accommodated in the meeting room without unduly interfering with the meeting and an adequate alternative meeting room is not readily available, then the public body, acting in good faith and consistent with the purposes of this Article, may require the pooling of such equipment and the personnel operating it; and provided further, if the news media, in order to facilitate news coverage, request an alternate site for the meeting, and the public body grants the request, then the news media making such request shall pay any costs incurred by the public body in securing an alternate meeting site. (1979, c. 655, s. J.)

§ 143-318.14A. Legislative commissions, committees, and standing subcommittees.

(a) Except as provided in subsection (e) below, all official meetings of commissions, committees, and standing subcommittees of the General Assembly (including, without limitation, joint committees and study committees), shall be held in open session. For the purpose of this section, the following also shall be considered to be "commissions, committees, and standing subcommittees of the General Assembly":

- (1) The Legislative Research Commission;
- (2) The Legislative Services Commission;
- (3) Repealed by Session Laws 2006-203, s. 93, effective July 1, 2007, and applicable to the budget for the 2007-2009 biennium and each subsequent biennium thereafter;
- (4) The Joint Legislative Utility Review Committee;
- (5) The Joint Legislative Commission on Governmental Operations;
- (6) The Joint Legislative Commission on Municipal Incorporations;

- (7) Repealed by Session Laws 1997, c. 443, s. 12.30, effective August 28, 1997.
- (8) The Joint Select Committee on Low-Level Radioactive Waste;
- (9) The Environmental Review Commission;
- (10) The Joint Legislative Transportation Oversight Committee;
- (11) The Joint Legislative Education Oversight Committee;
- (12) The Joint Legislative Commission on Future Strategies for North Carolina;
- (13) The Commission on Children with Special Needs;
- (14) The Legislative Committee on New Licensing Boards;
- (15) The Agriculture and Forestry Awareness Study Commission;
- (16) The North Carolina Study Commission on Aging; and
- (17) The standing Committees on Pensions and Retirement.

(b) Reasonable public notice of all meetings of commissions, committees, and standing subcommittees of the General Assembly shall be given. For purposes of this subsection, "reasonable public notice" includes, but is not limited to:

- (1) Notice given openly at a session of the Senate or of the House; or
- (2) Notice mailed or sent by electronic mail to those who have requested notice, and to the Legislative Services Office, which shall post the notice on the General Assembly web site.

G.S. 143-318.12 shall not apply to meetings of commissions, committees, and standing subcommittees of the General Assembly.

(c) A commission, committee, or standing subcommittee of the General Assembly may take final action only in an open meeting.

(d) A violation of this section by members of the General Assembly shall be punishable as prescribed by the rules of the House or the Senate.

(e) The following sections shall apply to meetings of commissions, committees, and standing subcommittees of the General Assembly: G.S. 143-318.10(e) and G.S. 143-318.11, G.S. 143-318.13 and G.S. 143-318.14, G.S. 143-318.16 through G.S. 143-318.17. (1991, c. 694, s. 7; 1991 (Reg. Sess., 1992), c. 785, s. 4; c. 1030, s. 42; 1993, c. 321, s. 169.2(f); 1997-443, s. 12.30; 2003-374, s. 1; 2006-203, s. 93.)

§ 143-318.15: Repealed by Session Laws 2006-203, s. 94, effective July 1, 2007, and applicable to the budget for the 2007-2009 biennium and each subsequent biennium thereafter.

§ 143-318.16. Injunctive relief against violations of Article.

(a) The General Court of Justice has jurisdiction to enter mandatory or prohibitory injunctions to enjoin (i) threatened violations of this Article, (ii) the recurrence of past violations of this Article, or (iii) continuing violations of this Article. Any person may bring an action in the appropriate division of the General Court of Justice seeking such an injunction; and the plaintiff need not allege or prove special damage different from that suffered by the public at large. It is not a defense to such an action that there is an adequate remedy at law.

(b) Any injunction entered pursuant to this section shall describe the acts enjoined with reference to the violations of this Article that have been proved in the action.

(c) Repealed by Session Laws 1985 (Reg. Sess., 1986), c. 932, s. 3, effective October 1, 1986. (1979, c. 655, s. 1; 1985 (Reg. Sess., 1986), c. 932, s. 3.)

§ 143-318.16A. Additional remedies for violations of Article.

(a) Any person may institute a suit in the superior court requesting the entry of a judgment declaring that any action of a public body was taken, considered, discussed, or deliberated in

violation of this Article. Upon such a finding, the court may declare any such action null and void. Any person may seek such a declaratory judgment, and the plaintiff need not allege or prove special damage different from that suffered by the public at large. The public body whose action the suit seeks to set aside shall be made a party. The court may order other persons be made parties if they have or claim any right, title, or interest that would be directly affected by a declaratory judgment voiding the action that the suit seeks to set aside.

(b) A suit seeking declaratory relief under this section must be commenced within 45 days following the initial disclosure of the action that the suit seeks to have declared null and void; provided, however, that any suit for declaratory judgment brought pursuant to this section that seeks to set aside a bond order or bond referendum shall be commenced within the limitation periods prescribed by G.S. 159-59 and G.S. 159-62. If the challenged action is recorded in the minutes of the public body, its initial disclosure shall be deemed to have occurred on the date the minutes are first available for public inspection. If the challenged action is not recorded in the minutes of the public body, the date of its initial disclosure shall be determined by the court based on a finding as to when the plaintiff knew or should have known that the challenged action had been taken.

(c) In making the determination whether to declare the challenged action null and void, the court shall consider the following and any other relevant factors:

- (1) The extent to which the violation affected the substance of the challenged action;
- (2) The extent to which the violation thwarted or impaired access to meetings or proceedings that the public had a right to attend;
- (3) The extent to which the violation prevented or impaired public knowledge or understanding of the people's business;
- (4) Whether the violation was an isolated occurrence, or was a part of a continuing pattern of violations of this Article by the public body;
- (5) The extent to which persons relied upon the validity of the challenged action, and the effect on such persons of declaring the challenged action void;
- (6) Whether the violation was committed in bad faith for the purpose of evading or subverting the public policy embodied in this Article.

(d) A declaratory judgment pursuant to this section may be entered as an alternative to, or in combination with, an injunction entered pursuant to G.S. 143-318.16.

(e) The validity of any enacted law or joint resolution or passed simple resolution of either house of the General Assembly is not affected by this Article. (1985 (Reg. Sess., 1986), c. 932, s. 1; 1991, c. 694, s. 8.)

§ 143-318.16B. Assessments and awards of attorneys' fees,

When an action is brought pursuant to G.S. 143-318.16 or G.S. 143-318.16A, the court may make written findings specifying the prevailing party or parties, and may award the prevailing party or parties a reasonable attorney's fee, to be taxed against the losing party or parties as part of the costs. The court may order that all or any portion of any fee as assessed be paid personally by any individual member or members of the public body found by the court to have knowingly or intentionally committed the violation; provided, that no order against any individual member shall issue in any case where the public body or that individual member seeks the advice of an attorney, and such advice is followed. (1985 (Reg. Sess., 1986), c. 932, s. 2; 1993 (Reg. Sess., 1994), c. 570, s. 3.)

§ 143-318.16C. Accelerated hearing; priority.

Actions brought pursuant to G.S. 143-318.16 or G.S. 143-318.16A shall be set down for immediate hearing, and subsequent proceedings in such actions shall be accorded priority by the trial and appellate courts. (1993 (Reg. Sess., 1994), c. 570, s. 4.)

§ 143-318.16D. Local acts.

Any reference in any city charter or local act to an "executive session" is amended to read "closed session". (1993 (Reg. Sess., 1994), c. 570, s. 4.)

§ 143-318.17. Disruptions of official meetings.

A person who willfully interrupts, disturbs, or disrupts an official meeting and who, upon being directed to leave the meeting by the presiding officer, willfully refuses to leave the meeting is guilty of a Class 2 misdemeanor. (1979, c. 655, s. 1; 1993, c. 539, s. 1028; 1994, Ex. Sess., c. 24, s. 14(c).)

§ 143-318.18. Exceptions.

This Article does not apply to:

- (1) Grand and petit juries.
- (2) Any public body that is specifically authorized or directed by law to meet in executive or confidential session, to the extent of the authorization or direction.
- (3) The Judicial Standards Commission.
- (3a) The North Carolina Innocence Inquiry Commission.
- (4) Repealed by Session Laws 1991, c. 694, s. 9.
- (4a) The Legislative Ethics Committee.
- (4b) A conference committee of the General Assembly.
- (4c) A caucus by members of the General Assembly; however, no member of the General Assembly shall participate in a caucus which is called for the purpose of evading or subverting this Article.
- (5) Law enforcement agencies.
- (6) A public body authorized to investigate, examine, or determine the character and other qualifications of applicants for professional or occupational licenses or certificates or to take disciplinary actions against persons holding such licenses or certificates, (i) while preparing, approving, administering, or grading examinations or (ii) while meeting with respect to an individual applicant for or holder of such a license or certificate. This exception does not amend, repeal, or supersede any other statute that requires a public hearing or other practice and procedure in a proceeding before such a public body.
- (7) Any public body subject to the State Budget Act, Chapter 143C of the General Statutes and exercising quasi-judicial functions, during a meeting or session held solely for the purpose of making a decision in an adjudicatory action or proceeding.
- (8) The boards of trustees of endowment funds authorized by G.S. 116-36 or G.S. 116-238.
- (9) Repealed by Session Laws 1991, c. 694, s. 9.
- (10)(1) The Board of Awards.
1 The General Court of Justice. (1979, c. 655, s. 1; 1985, c. 757, s. 206(e); 1991, c. 694, s. 9; 2006-184, s. 6; 2006-203, s. 95.)
- (11)

*This document (also available in PDF and RTF formats) is not an official document.
Please read the caveats on the main NC Statutes page for more information.*

Article VII

Committees

- A. Standing committees shall be appointed by the Chairperson at the regular August meeting of each year and approved by the full JCPC. Council. Vacancies on the committees may be filled by the Chairperson at any regular meeting. The Chairperson appoints the Chairperson 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 Chairperson.
- C. All Committee meeting shall be properly noticed n the County website as well as having the next meeting announced at the end of every meeting and be open to the public.
- D. Standing Committees of the "Council" are as follows:
 - 1. Nominations Committee – A minimum of two 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 - No less than 5, no more than 9 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. Community Education and Awareness Committee - 5 members
Duties: The committee shall devise ways to increase public involvement and 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 Chairperson for such purposes as may be deemed necessary.
 - F. The Chairperson 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 or obtained through electronic voting should there not be a quorum present. Electronic votes will be retained and recorded with the meeting minutes.
- B. In the event of a crisis or an emergency, the Chairperson or in their absence, the Vice-Chairperson, will be empowered to communicate to the membership via email to submit issues as deemed appropriate for electronic voting. Outcome is to be determined by the number of "nays" responding in the time identified. In the event that one member objects and requests that the matter be reviewed face-to-face, then the matter shall be tabled to be reviewed in person. The chair shall determine whether to hear the matter at the next scheduled JCPC meeting or to convene an emergency meeting per applicable by-laws.
- C. 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 Chairperson for the meeting at which the tie vote is cast.

Article X

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 annually 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.

Annually each appointed member to the JCPC will be required to complete a Conflict of Interest Form. During the year, when a conflict arises (due to employment, board services, etc...) the member is required to notify the J.C.P.C. Chairperson.

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 OO!c) 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 NC. 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 XI

Amendments

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

Approved this 28th day of April, 2022

William Lapsley
Henderson County Board of Commissioners

Attest: _____
Denisa Lauffer, Clerk to the County Commissioners