

BYLAWS of
Buncombe County Juvenile Crime
Prevention Council

Article I. Name, Principal Office, and General Purpose

Section 1. Name.

Buncombe County Juvenile Crime Prevention Council (JCPC)

Section 2. Purposes. The purpose for the JCPC is to prevent juveniles who are at risk from becoming delinquent. North Carolina General Statute (143B-845) mandates the development of a local JCPC. The primary intent of the legislation is to develop community-based alternatives to Youth Development Centers and to provide community – based delinquency and substance abuse prevention strategies and programs. Additionally, it is the intent of the legislation to provide noninstitutional dispositional alternatives that will protect the community and the juveniles.

The legislation directs that these programs and services be planned and organized at the community level and developed in partnership with the State. Juvenile Crime Prevention Councils are the designated planning bodies at the local level, appointed by the Board of County Commissioners.

Article II. Members

Section I. Members.

The business and property of the JCPC shall be managed and controlled by the JCPC, who shall be appointed as set forth below.

Section 2. Appointment.

NCGS 143B-846 specifies that as a prerequisite for a county receiving funding for juvenile court services and delinquency prevention programs, the Board of County Commissioners shall appoint a JCPC.

Section 3. Number and Representation

The JCPC shall consist of a membership composition as set forth in GS 143B-846 with not more than 26 members. The Board of County Commissioners shall modify the JCPC membership as necessary to ensure that council members reflect the racial and socioeconomic diversity of the community and to minimize potential conflicts of interest by members.

Section 4. Officers.

Members of the council shall elect the Chair and Vice Chair annually.

- I. Membership designated by NCGS 143B-544
 1. Local school superintendent(s) or designee
 2. Chief of Police
 3. Local Sheriff or designee
 4. District Attorney or designee
 5. Chief Court Counselor or designee
 6. Director of area mental health, developmental disabilities, and substance abuse authority or designee
 7. Director of DSS, or consolidated human services agency or designee
 8. County Manager or designee
 9. A Substance Abuse Professional
 10. A Member of the Faith Community
 11. A County Commissioner
 12. Two persons under the age of 18 years, one of whom is a member of the State Youth Council.
 13. A Juvenile Defense Attorney
 14. Chief District Court Judge or a judge designated by the chief district court judge
 15. A member of the business community
 16. Health Director or designee
 17. Representative of United Way or other nonprofit or designee
 18. Representative of local parks and recreation
 19. Member of Public appointed by County Commissioners
 20. Member of Public appointed by County Commissioners
 21. Member of Public appointed by County Commissioners
 22. Member of Public appointed by County Commissioners
 23. Member of Public appointed by County Commissioners
 24. Member of Public appointed by County Commissioners
 25. Member of Public appointed by County Commissioners

Section 5. Terms.

As set forth in NCGS 143B-847 each member of the JCPC shall serve for terms of two years. Members may be reappointed. Terms of appointment begin January 1, 1999, and July 1 of years thereafter.

In order to provide for staggered terms, persons appointed for positions designated as (9) a substance abuse professional, (10) a member of the faith community, (12) a person under the age of 18, (15) a member of the business community (17) a representative of United Way or other nonprofit and (18) a representative of local parks and recreation, shall be for an initial one-year term and two-year terms thereafter.

Section 6. Vacancies.

As set forth in NCGS 143 B-848 appointments to all vacancies shall be for the remainder of the former member's term.

Section 7. Removal.

As set forth in NCGS 143 B-848 members shall only be removed for malfeasance (illegal act) or nonfeasance (not performing duties as required) as determined by the Board of County Commissioners.

Section 8. Meetings; Quorum.

As set forth in NCGS 143 B-849 the Council will meet at least bi-monthly. The council may meet more often if the Chair calls a special meeting.

A simple majority of members shall constitute a quorum. (Simple majority is 50%+1)

Section 9. Attendance

Any member who has two consecutive or three total unexplained absences in a one year period of their two-year term will be contacted by the coordinator to verify their commitment to continue as a board member.

Article III. Duties and Powers

As set forth in NCGS 143 B-851 the duties and powers of the JCPC are as follows:

Conduct an annual review of the needs of juveniles at risk of delinquency, adjudicated delinquent or undisciplined and the resources needed to meet those needs.

Develop and advertise a request for proposals (RFP) process and submit a written plan of action for the expenditures of juvenile sanctions and prevention funds to the Board of County Commissioners for approval. Submit those funds approved by the Board of County Commissioners to the North Carolina Department of Public Safety (NCDPS) for final approval and implementation.

Ensure appropriate intermediate dispositional options are available and prioritize funding for dispositions of intermediate and community level sanctions for court adjudicated juveniles.

NCDPS Application Process:

Perform the following functions on an ongoing basis:

- a) Assess the needs of juveniles in the community, evaluate the adequacy of resources to meet those needs, and develop or propose ways to address unmet needs.
- b) Evaluate the performance of juvenile services and programs in the community. Evaluate each funded program as a condition of continued funding.
- d) Increase public awareness of the causes of delinquency and of strategies to reduce the problem.
- e) Develop strategies to intervene and appropriately respond to and treat the needs of juveniles at risk of delinquency through appropriate risk assessment instruments.
- f) Provide funds for services for treatment, counseling, or rehabilitation for juveniles and their families, including court ordered parenting responsibility classes.
- g) Plan for the establishment of permanent funding streams for delinquency prevention services.
- h) Develop strategies 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.

ARTICLE IV Committees

1. Executive Committee: Membership shall consist of the JCPC Chair, JCPC Chair from the previous year if still active, Vice-Chair, Standing Committee Chairs, the NCDPS Consultant and the Chief Court Counselor or designee.
2. The JCPC may appoint from its members, or from among other persons as the Council sees fit, one or more ad hoc or advisory committees at any time. The members of such committees serve at the pleasure of the JCPC and shall advise and aid the Council. Each ad hoc committee is subject to approval of the JCPC, and its prescribed rules and regulations to conduct meetings and business.
 - a. Duties: It is the duty of the JCPC Chair to ensure that the following duties are performed:
 - i. Meet monthly to set the agenda for the regular JCPC meetings.
 - ii. Meet when necessary between monthly meetings to facilitate strategic planning and fiscal management concerns as decided by the JCPC Chair
 - iii. Monitor and evaluate composition of the JCPC specific to community representation and effectiveness in meeting goals
 - iv. Monitor terms of appointment and present membership recommendations to the Board of County Commissioners

- v. Monitor non-attendance and notify members of attendance issues as referenced in Article VI, Section 3
- vi. Report malfeasance (illegal activity) or nonfeasance (failure to perform assigned duties) to the Board of County Commissioners for recommended action
- vii. Ensure development and presentation of a slate of officers for JCPC approval
- viii. Review request for support of community program development and present to the JCPC for approval
- ix. Take nominations at a regular JCPC meeting for chairs of committees prior to the first meeting of the JCPC year
- x. The JCPC Chair may appoint from its members, or from among other persons as the Council sees fit, one or more ad hoc or advisory committees at any time. The members of such committees serve at the pleasure of the JCPC and shall advise and aid the Council. Each ad hoc committee is subject to approval of the JCPC, and its prescribed rules and regulations to conduct meetings and business.

The Chairs of the following committees will coordinate with the JCPC Chair to ensure appropriate committee membership from the JCPC members and community volunteers.

1. Monitoring/Evaluation Committee: Membership shall consist of the Chair and Vice-Chair of the committee, JCPC members, court counselors and may include community volunteers.
 - a. Duties: It is the duty of the committee chair to ensure that the following duties are performed:
 - i. Conduct site visits to funded NCDPS programs
 - ii. Review NCDPS funded programs to determine adherence to proposed goals, projected outcomes, budgets and other data collection requirements
 - iii. Complete and submit required monitoring and evaluation reports within designated time frames
 - iv. Evaluate funded programs for conditions of continued funding and overall effectiveness and efficiency, and progress towards projected outcomes.
 - v. Provide monitoring reports to the Allocations Committee within established time frames
 - vi. Coordinate with NCDPS Consultant to ensure knowledge of and adherence to current monitoring and evaluation requirements
 - vii. Develop annual calendar and action plan outlining required tasks of committee

2. Planning/Public Awareness Committee: The planning and public awareness activities may function as two separate committees or as a single committee and subcommittee. Membership shall consist of the Chair, Vice-Chair, JCPC members, court counselors and may include community volunteers.
 1. Duties: It is the duty of the committee chair to ensure that the following duties are performed:
 - i. Planning:
 - 1) Develop a community assessment and comprehensive strategies plan in order to establish priorities for NCDPS disbursement of funds in conjunction with the Dispositional Options survey given to court counselors and reported by the chief court counselor and provide planning data to the community and the state
 - 2) Review and update comprehensive strategies at least every three to five years
 - 3) Review annually the needs of juveniles at risk of delinquency or adjudicated delinquent/undisciplined and resources needed for target populations
 - 4) Review and determine gaps in intermediate dispositional options
 - 5) Ensure that comprehensive strategies include addressing unmet needs and providing funds and resources for treatment, counseling and rehabilitative services for youth and families, including court ordered parent responsibility classes
 - 6) Coordinate with the Allocations Committee and Chief Court Counselor to ensure that the annual RFP for NCDPS funding accurately reflects current community-based needed resources
 - 7) Coordinate with NCDPS Consultant to ensure use of best practice criteria for assessment and planning activities
 - ii. Public Awareness:
 - 1) Provide public awareness of the JCPC, it's function, it's process and the comprehensive strategies plan
 - 2) Promote public awareness and media coverage for the RFP and NCDPS funds allocation process
 - 3) Ensure public notification of the JCPC regular meeting or specially called meetings
 - 4) Make presentations to community groups and programs regarding JCPC functions and as recruitment and gap identification strategies

5) Develop an annual public awareness and media action plan outlining events to cover and community organizations to receive presentations

3. Allocations Committee: Membership shall consist of the Chair, Vice-Chair, JCPC members, and court counselors.

1. Duties: *The purpose of the allocation Committee is to receive, review and evaluate eligible program application and make recommendations for the release of NCDPS funds to area programs. In addition, the committee ensures that applications for NCDPS funding are received in the context of identified needs from the JCPC comprehensive strategies process as noted in the RFP.* No agency shall have more than two representatives on the allocation committee in an effort to refute any allegations of weighting the panel. The Chief Court Counselor shall participate as a non-voting member, being available to assist in training members and for consultation and information as to the needs of the court referred juveniles.

Article V Officers

Section 1. Officers. The officers of Council shall be a Chair, Vice Chair (*Chair-elect*), Planning Chair, Vice Chair, Monitoring Chair, Vice Chair, Allocations Chair, Vice Chair, each elected annually.

The executive committee will present a slate of officer appointments to the JCPC and hold elections in May.

Section 2. Election. The Council shall elect all officers during a meeting held in May of each year. The executive committee shall submit a slate of officers. Additional nominations may be made from the floor at this time. All officers shall hold office for the term of one year. Vice-Chair will move into Chair position in the following year.

Section 3. Tenure of Office. Any of the officers may be dismissed at any time during his or her term by a majority vote of the Council in accordance with Article II, §8.

Section 4. Resignation. If an officer resigns prior to the end of his/her term the executive committee shall recommend a replacement to the JCPC for approval. The approved replacement will serve until the end of the designated term.

Section 5. Duties of Officers

CHAIR

The Chair shall:

- a) Preside at all meetings of the Council
- b) Enforce these Bylaws and see that all orders and resolutions of the JCPC are carried out

- c) Perform the entire duties incidental to his or her office, and which are required by law, and generally, to see that the Officers perform their duties
- d) Present at each meeting of the Council a report on the condition of the business of the Council
- e) Call regular and special meetings of the Council in accordance with these Bylaws
- f) Execute conveyances, contracts and agreements as authorized by the Council
- g) Perform and attend to such other duties and functions as may be directed by the County Commissioners
- h) Annually appoint Committee Chairs, Vice-Chairs and membership
- i) Present an annual report to the Board of County Commissioners
- j) Serve as JCPC representative on the Buncombe County Children's Collaborative or appoint a designee

VICE-CHAIR

The Vice-Chair shall:

Perform the duties of the Chair in the Chair's absence or disability

- a) Perform such additional duties and functions as may be directed by the Council
- b) Serve as the incoming Chair of the JCPC
- c) Participate in the executive committee meetings

Section 6. Vacancies. Vacancies in any office shall be filled by the Council at a special meeting called for that purpose after the occurrence of such vacancy, or at the next annual meeting, whichever occurs first. The Officers so elected shall hold office until the next annual meeting of the Council and until a successor shall have been elected in accordance with these Bylaws.

ARTICLE VI Meetings

Section 1. Regular Meetings. The Council shall meet at least bi-monthly and dates designated by the Chair, through a written call of the majority of Council members, or upon resolution of the Council. The annual meeting of the Council shall be held each year in May or at such other time as the Council may fix, for the purpose of electing officers and for the transaction of other business.

Section 2. Special Meetings. The times, dates, and places of special meetings of the Council may be set at the call of the Chair. Notification shall be given to Council members by the usual means of communication (telephone, voice mail, mail, text, email) at least 48 hours before the time of the meeting.

Section 3. Notice of Intention to Attend

Members of the Council shall be required to notify the Chair or Program Coordinator of their inability to attend a regularly scheduled meeting prior to the meeting.

Section 4. Quorum. Simple majority of the members of the Council shall constitute a quorum for the transaction of business.

Section 5. Parliamentary Rules. All meeting shall be conducted in an open, orderly, and fair manner; and Robert's Rules of Order, as revised, shall apply to all deliberations.

Section 6. Majority Vote Except as otherwise provided by Bylaws or law, all matters before Council shall be decided by a simple majority vote of the members present at a meeting at which a quorum exists. Members of the Council or a committee may participate in a meeting of the Council or committee by electronic means, which allows the participants to participate in the meeting.

Section 7. Informal Action by Officers. Any action required or permitted to be taken at any meeting of the Council or of a committee may be taken without a meeting if the text of the resolution or matter agreed upon is sent to all the members in office or all of the members of the committee and all of the members in office or all the members of the Committee consent to such action in a writing, including electronic communication, setting forth the action taken. Such consent in writing, including electronic communication, shall be filed with the minutes of the proceedings of the Council or the committee and have the same force and effect as a vote of the Council or of the committee at a meeting, whether done before or after the action is taken.

Section 8. Compliance with State Requirements. So long as the Council manages/approves funding from the State of North Carolina, it shall conduct its operations, including its meetings, in a manner comparable to Article 33C of Chapter 143 of the North Carolina Statutes (the Open Meetings Law), and Chapter 132 of the North Carolina General Statutes (the Public Records Law).

ARTICLE VII Contracts, Checks, Deposits, and Funds

Section 1. Contracts. Council may authorize any officer or officers, agent or agents, to enter into any contract or execute and deliver any instrument in the name of and on behalf of the Council; and such authority may be general or confined to specific instances.

Section 2. Loans. No loans shall be contracted on behalf of the Council and no evidence of indebtedness shall be issued in its name unless authorized by a resolution of the Council. Such authority may be general or confined to specific instances.

Section 3. Checks and Drafts. All checks, drafts, or other orders for the payment of money, issued in the name of the Council, shall be signed by such officer or officers, agent or agents of the Council and in such manner as shall from time to time be determined by resolution of the Board of County Commissioners. In regard to the administrative expenses of the JCPC, Buncombe County is the fiscal agent and will issue checks related these expenses under the approval and consent of the JCPC executive committee.

Section 4. Funds. All funds of the Council not otherwise employed shall be deposited to the credit of the Council in banks, trust companies, or other depositories as the Board of County Commissioners may select.

Section 5. Acceptance of Gifts. The Council or any officer or officers or agent or agents of the Council to whom such authority may be delegated by the Council, may accept on behalf of the Council any contribution, gift, bequest, or devise for the purposes of the Council.

Section 6. Audits. On request of a majority of the Council, the accounts of the Council shall be audited by a reputable certified public accountant, whose report shall be submitted to each member of the Council. This requirement is met by having an audit conducted by the State Auditor, as specified in Article VIII, Section 2.

Section 7. Bond. At the direction of the Board of County Commissioners, any officer or employee of the Council shall be bonded. The Council shall pay the expense of procuring any such bond.

ARTICLE VIII Relations with Public Bodies

Section 1. Grants and Appropriations. The Council anticipates it will from time to time receive grants or appropriations from public bodies of North Carolina. Expenditures by the Council of such grants or appropriations shall be made only for public purposes and only for the charitable purposes of the Council and according to law.

Section 2. Audit by State Auditor. So long as the Council receives funding from the State of North Carolina, the Corporation shall be subject of the audit and review by the State Auditor pursuant to Article 5A of the Chapter 147 of the North Carolina General Statues.

ARTICLE IX

Agents, Representatives and Employees

The Council may appoint such agents, representatives and employees of the Council with such powers and to perform such acts or duties on behalf of the Council, as the Council may deem appropriate and in the best interest of the

Corporation. As money permits the Council may utilize a management support position to perform council duties as outlined in a job description approved by the JCPC. See attachment for job description of coordinator.

ARTICLE X

Period of Accounting and Reporting

The fiscal year shall begin on July 1 and shall end on June 30 of the next calendar year.

ARTICLE XI Amendments

Within the parameters of the NC General Statutes which establish and define the JCPC the Council shall have power to make, alter, amend and repeal the Bylaws by affirmative two-thirds vote of the Council then serving, provided that such action is proposed at a regular or special meeting of the Council and adopted at a subsequent regular or special meeting, except as otherwise provided by law. The text of all amendments and changes shall be included in the notice of each such meeting.

ARTICLE XII Conflict of Interest

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.

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. JCPC members are 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.

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 are to be communicated to members and full disclosure will be 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.

Every member of the JCPC shall complete a conflict of interest disclosure form and submit it to the JCPC Chair. The conflict of interest form shall be submitted yearly. Should a conflict of interest arise a JCPC shall complete a new conflict of interest disclosure form. If a JCPC member discloses a conflict of interest then the issue shall be scheduled for discussion at the next JCPC executive meeting.

Any member of the JCPC who may, through his or her agency, receive funds as a result of a motion before the Council, or may otherwise benefit financially from a motion before the Council, may have a conflict of interest between his or her role within that agency, and as a member of the Council. Such members may be prohibited from participating in the discussion of the motion and likewise prohibited from voting on such motion.

When such an item is the subject of a motion before the Council, and is opened for discussion, those members of the Council who acknowledge such a conflict of interest shall identify themselves and state their intention to abstain. Such members may be requested by the Chair to leave the room during the deliberations and vote. If any member or members of the Council have removed themselves as a result of such conflict of interest related to a specific motion, it

shall be the responsibility of the Chair to ensure that only such agenda item is discussed and acted upon in that person's absence.

In the event a participating member of the Council perceives that a conflict exists with a member of the Council who has not voluntarily identified himself or herself, the Council member shall bring such conflict to the attention of the Council and request that individual abstain and remove him/herself. If there is a dispute as to whether or not the circumstances present a conflict of interest, the Chair shall rule on whether or not the Council member in question has an actual conflict of interest and shall be permitted to vote and participate in the deliberations. The Chair shall have the option of ruling that the member whose vote is in dispute shall be entitled to vote under challenge, such ballot and dispute to be resolved only in the event the challenged ballot is determinative of the outcome of the vote.

In order to prevent potential conflicts of interest, the JCPC shall to the extent possible:

- Fill allocations and monitoring committees with members who are not staff or volunteers of funded agencies
- Any JCPC member affiliated with a funded or unfunded agency shall abstain from voting in matters related to JCPC funding or business transactions affecting that specific agency. Full disclosure shall be made by any member prior to any funding or business transaction deliberations
- Nominating chairs will not be board members, staff or volunteers of funded agencies, or NCDPS staff
- Require a list of agency board members as a part of each program's funding application
- Provide a means of identification, ie. tent cards, or membership roster at meetings to designate funded agency representatives

ARTICLE XIII Public Attendance/Participation

The Council shall conduct its operations in compliance with Article 33C of Chapter 143 of NC General Statute (Open Meeting Law) and Chapter 132 of NC General Statute (Public Records Law). Meeting minutes shall be sent to the Clerk of the Board of County Commissioners to allow for public access.

Non-Council members who attend Council meetings will identify themselves as visitors and be seated in the audience. Council members will be seated at the table. If a member of the public wishes to provide comment they should advise the Chair and/or Secretary and be placed on the Agenda prior to the meeting. The Council meets from for one and one half hours unless otherwise posted and public comment will be contained to available time within that period and each speaker's comments will be limited to 3 minutes.

The Council, through its established committee structure, will offer consistent and varied vehicles for public input and participation.

Adopted by the Buncombe County Juvenile Crime Prevention Council on November 21st, 2013.

Danielle Arias, Chair