

## **GASTON COUNTY JUVENILE CRIME PREVENTION COUNCIL BY-LAWS**

**Effective:** Upon Adoption

**Revised:** September 11, 2012

### **Article I: Name and Purpose**

*Section 1.* Name - The name shall be the Gaston County Juvenile Crime Prevention Council.

*Section 2.* Purpose - The purpose of this Council shall be to:

- 2.1 Assess the needs of youth in Gaston County, giving particular attention and priority to the needs of adjudicated juveniles on a continuing basis.
- 2.2 Develop for Gaston County a plan of action to meet the needs of adjudicated juveniles.
- 2.3 Screen program proposals submitted by groups or agencies and evaluate actual programs for effectiveness and improvement.
- 2.4 Serve as advocates for youth in need; provide community awareness and involvement, which will strengthen and sustain approved youth programs in Gaston County.
- 2.5 Provide a single council for Gaston County of interagency professionals and members of the public (who shall meet the membership requirements for appointment to the Juvenile Crime Prevention Council pursuant to the Juvenile Justice Reform Act of 1998) in order to administer funds allocated pursuant said Act by the North Carolina Office of Juvenile Justice and local matching monies provided from the Gaston County General Fund and other foundation, grant, or private monies made available for adjudicated juvenile programs.
- 2.6 Adhere to the guidelines and articles set forth by the North Carolina State Juvenile Justice Reform Action of 1998, Part 6 Juvenile Crime Prevention Council.

### **Article II: Membership**

*Section 1.* Members - the existing Council shall nominate Members and their names shall be submitted to the Gaston County Board of Commissioners for approval.

*Section 2.* Voting Members - The total Board membership shall be no more than 26 -voting persons.

2.1 The composition of the membership of the Board shall at all times be consistent with the requirements of the General Statutes.

2.2 To the greatest extent possible the Council shall nominate such membership as necessary to ensure an adequate reflection of the community's racial and socioeconomic diversity and to minimize potential conflicts of interest by members.

- Section 3.* Removal of Members - The Executive Committee of the Council may recommend to the Board of Commissioners removal of a member for cause.
- Section 4.* Ex-Officio Membership - The Council, at its discretion, may allow ex-officio membership. Notwithstanding the provisions of Resolution 2009-312, and due to the language in G.S. 143B-846 encouraging local government staff fully participating in Council decisions, Ex-officio members shall be considered a Voting Member and their appearance shall count towards fulfillment of a quorum.
- Section 5.* Appointment to Membership - All Council members are appointed by the Gaston County Board of Commissioners in accordance with the Juvenile Code. Said Board of Commissioners may remove members for cause as provided by the General Statutes.

**Article III: Officers**

- Section 1.* Officers - The officers of the Council shall include a Chair, Vice-Chair, and a Secretary. Election of officers shall be held at the June meeting.
- Section 2.* Chair - The Chair shall be elected by the Council and shall serve a one-year term beginning on July 1 of the year appointed. The Chair may be re-elected for additional term(s) by the membership.
- Section 3.* Vice-Chair - The Vice-Chair shall be elected for a one-year term of office and may be re-elected for additional term(s) by the membership. To the greatest extent practical, the Vice-Chair should be considered as "Chair-elect" to fill the next vacancy of the Chair.
- Section 4.* Office - All officers will assume office on July 1 of each year.

**Article IV: Meetings**

*Section 1.* Regular Meetings

- 1.1 Except as the membership may be notified by the secretary in writing seven days prior, the Council shall meet monthly at a time and place to be determined by the Council.
- 1.2 All meetings shall be open to the public.
- 1.3 To conduct business at each meeting, a quorum will be necessary. A quorum will be a simple majority of the membership of the Council.
- 1.4 The membership of the Council shall be notified in writing at least seven days prior to each meeting.
- 1.5 Minutes shall be taken at every meeting and shall be distributed along with a notice of the next meeting.

*Section 2.* Special Meetings

- 2.1 The Chairperson may call such special meetings as deemed necessary to carry out the duties of the Council.
- 2.2 Notice of special meetings shall be given to all members of the Council, in writing, or by telephone, at least three days in advance.

**Article V: Committees**

*Section 1.* Standing Committees - The Chair shall appoint a Chair and three or more Council members to each of the following committees.

- 1.1 Planning & Program Review - whose purpose shall be to carry out an annual needs assessment of youth and evaluate adequacy of resources in Gaston County; establish these needs in priority order; to gather information about existing and potential programs for the Council; to accomplish an annual review of performance of existing programs for report to the Council, and develop an annual plan and make recommendations to the full Council.
- 1.2 Budget Committee - whose purpose shall be to review program budget proposals and make recommendations to the full Council for the effective use of all available youth program funds. (Funds donated or raised for appropriate items and needs of individual children are specifically excluded from this requirement.)
- 1.3 Public Awareness Committee - whose purpose shall be to increase public awareness of the causes of delinquency and of strategies to reduce the problem.
- 1.4 Nominating Committee - whose purpose shall be to nominate officers and further to identify prospective members for nomination by the Council for appointment by the Board of Commissioners.

*Section 2.* Additional Committees - The Chair may at his/her discretion appoint any other committees, which are deemed necessary to carry out general purposes and work of the Gaston County Juvenile Crime Prevention Council.

*Section 3.* Ex-Officio Appointments - The Chair may at his/her discretion appoint ex-officio members to any committee.

**Article VI: Conflict of Interest**

*Section 1.* Avoidance of Conflict: Members shall abstain from voting and from participation in deliberations on issues which may present a conflict of interest or an appearance of a conflict of interest. Such conflicts include, but are not limited to, employment or other financial interest in a grantee agency by the Council member or a member of his or her family, similar board membership, etc. Abstentions from voting shall be noted in the minutes of the Council. Members shall follow the attached policy:

*Conflict of Interest Policy*

*Juvenile Crime Prevention Council (JCPC) members are public officers, N. C. General Statute 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, the Gaston 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:

- I. Is related to a program staff member;
- II. Is related to another JCPC member;
- III. 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.
- IV. 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;
- V. 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;
- VI. Received honorarium or other compensation outside of the scope of employment and operations that creates or appears to create bias;
- VII. Secured employment with a competing applicant for JCPC funding; and
- VIII. 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.
- IX.

**Article VII: Miscellaneous**

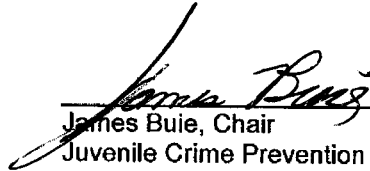
**Section 1. Effective Date** -These by-laws shall become effective September 11, 2012.

**Section 2. Amendments** -These by-laws may be amended or repealed and new bylaws adopted by the affirmative vote of a majority of the membership at any regular or special meeting of the Juvenile Crime Prevention Council.

These by-laws are hereby approved for immediate implementation by the Gaston County Juvenile

Crime Prevention Council on this September 11, 2012.

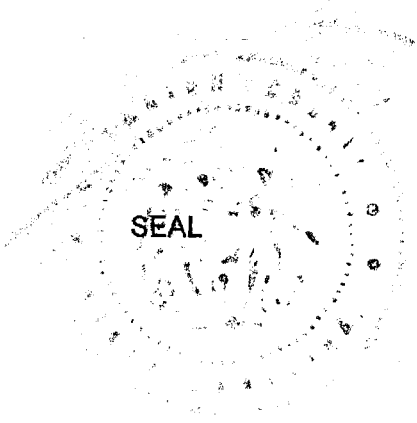
These by-laws are hereby amended to include the Conflict of Interest Policy and Disclosure form by vote of the Gaston County Juvenile Crime Prevention Council on this September 11, 2012.

  
James Bule, Chair  
Juvenile Crime Prevention Council

Certification

I, Donna S. Buff, Clerk to the Gaston County Board of Commissioners, do hereby certify that the above is a true and accurate copy of The Gaston County Juvenile Crime Prevention Council By-laws as adopted by the Board of Commissioners on October 25, 2012.

  
Donna S. Buff, Clerk



# GASTON COUNTY BOARD OF COMMISSIONERS BOARD ACTION

**REQUESTED ACTION:**

To Request Approval of Changes to the By-Laws of the Gaston County Juvenile Crime Prevention Council (JCPC)

**COMMISSION SPONSOR:** Commissioner Chad Brown

**STAFF CONTACT:** J. W. Buie, Chief of Police - 704-866-3321

**BACKGROUND:**

The JCPC requests approval of the changes made to the By-Laws that allow ex-officio members/county staff to count towards a quorum and official vote. JCPC voted in favor of this proposal at last meeting. Currently, the bylaws are set up so Staff only participates in an advisory capacity, meaning that Staff does not vote on matters, nor does Staff's attendance count towards a quorum. This has caused some issues in the past, since it can be difficult to obtain a quorum, since a quorum requires 50%+1 of non-county Staff members to be present. The proposed bylaws give appointed Staff members (although still classified as ex-officio members) voting powers, and for their attendance to count towards a quorum.


In 2009, the BOC passed a resolution concerning Staff participation on boards and committees. Under the policy, Staff is generally not permitted to be a full voting member on a board or committee. However, Staff feels an exception should be carved out of this policy in part due to the unique nature of JCPC boards; state law [143B-846] encourages specific Staff members or their designees such as the County Manager, Police Chief, Sheriff, Health Director, P&R Director. Therefore, an exception to the 2009 resolution will not undermine the intrinsic intent of the resolution which generally prevents staff from being active board members.

**POLICY IMPACT:** Clarifies that despite the 2009 resolution, ex-officio can vote/count towards quorum.

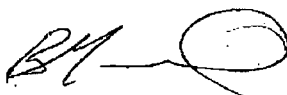
**FISCAL IMPACT ANALYSIS:**

Is Item Included in Current Budget?    Yes     No     N/A


See Attached Budget Change Request for Recommended Sources of Funds, if Applicable.



Wilson L. Bradley, III  
Finance Director



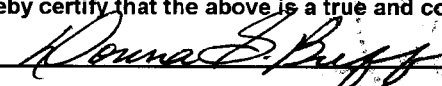
Bryant Morehead  
Budget Administrator



Recommends Approval  
Jan Winters, County Manager

**ATTACHMENTS:** Gaston County Juvenile Crime Prevention Council By-laws

I, Donna S. Buff, Clerk to the County Commission, do hereby certify that the above is a true and correct copy of action taken by the Board of Commissioners as follows:



NO.	DATE	M1	M2	Brown	Carpenter	Fraleigh	Keigher	Loftis	Philbeck	Price	Vote
2012-287	09/27/2012	TP	CB	A	A	A	A	A	A	A	U

**DISTRIBUTION:**

JCPC Chairman; Laserfiche Users

# GASTON COUNTY JUVENILE CRIME PREVENTION COUNCIL BY-LAWS

**Effective:** Upon Adoption

**Revised:** April 11, 2006

## **Article I: Name and Purpose**

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*Section 2.* Purpose - The purpose of this Council shall be to:

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- 2.6 Adhere to the guidelines and articles set forth by the North Carolina State Juvenile Justice Reform Action of 1998, Part 6 Juvenile Crime Prevention Council.

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- Section 2.* Special Meetings



- 2.1 The Chairperson may call such special meetings as deemed necessary to carry out the duties of the Council.
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*Conflict of Interest Policy*

*Juvenile Crime Prevention Council (JCPC) members are public officers, N. C. General Statute 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, the Gaston 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:*

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- II. Is related to another JCPC member;*
- III. 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.*
- IV. 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;*
- V. 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;*
- VI. Received honorarium or other compensation outside of the scope of employment and operations that creates or appears to create bias;*
- VII. Secured employment with a competing applicant for JCPC funding; and*
- VIII. 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.*
- IX.*

## **Article VII: Miscellaneous**

**Section 1.** Effective Date -These by-laws shall become effective April 9, 1999.

**Section 2.** Amendments -These by-laws may be amended or repealed and new bylaws adopted by the affirmative vote of a majority of the membership at any regular or special meeting of the Juvenile Crime Prevention Council.

These by-laws are hereby approved for immediate implementation by the Gaston County Juvenile

Crime Prevention Council on this April 9, 1999.

These by-laws are hereby amended to include the Conflict of Interest Policy and Disclosure form by vote of the Gaston County Juvenile Crime Prevention Council on this April 11, 2006.

\_\_\_\_\_  
William Farley, Chair  
Juvenile Crime Prevention Council

Certification

I, Donna S. Buff, Clerk to the Gaston County Board of Commissioners, do hereby certify that the above is a true and accurate copy of The Gaston County Juvenile Crime Prevention Council By-laws as adopted by the Board of Commissioners on September 27, 2012.

  
Donna S. Buff, Clerk

SEAL

# GASTON COUNTY BOARD OF COMMISSIONERS BOARD ACTION

**REQUESTED ACTION:**

To Request Approval of Technical Corrections to JCPC Bylaws

**COMMISSION SPONSOR:** Commissioner Chad Brown

**STAFF CONTACT:** J. W. Buie, Chief of Police 704-866-3321

**BACKGROUND:**


During the September 27 meeting, the Gaston County Board of Commissioners amended the JCPC bylaws, allowing ex-officio members (i.e. County Staff) to be voting members on the Board and for their presence to count towards a quorum. On the revised bylaws, the date the JCPC board recommended approval was not changed from the former bylaws and had a reference to the year 2006 and 1999. Other corrections, such as adding the correct name of the JCPC Chairman, are also proposed in this action.

**POLICY IMPACT:** None. Only technical corrections that are non-substantive.

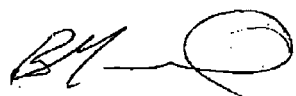
**FISCAL IMPACT ANALYSIS:**

Is Item Included in Current Budget?    Yes     No     N/A


See Attached Budget Change Request for Recommended Sources of Funds, if Applicable.



Wilson L. Bradley, III  
Finance Director




Bryant Morehead  
Budget Administrator



Recommends Approval  
Jan Winters, County Manager

**ATTACHMENTS:** Revised Gaston County Juvenile Crime Prevention Council By-laws

I, Donna S. Buff, Clerk to the County Commission, do hereby certify that the above is a true and correct copy of action taken by the Board of Commissioners as follows:



NO.	DATE	M1	M2	Brown	Carpenter	Frale	Keigher	Loftis	Philbeck	Price	Vote
2012-291	10/25/2012	JC	CB	A	A	A	A	A	A	A	U

**DISTRIBUTION:**

Laserfiche Users