



Gaston County

Gaston County
Board of Commissioners
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Police Department

Board Action

File #: 23-132

Commissioner Worley - Police Department - To Amend the By-Laws of the Gaston County Juvenile Crime Prevention Council (JCPC)

STAFF CONTACT

Chief Stephen Zill - Police Department

BACKGROUND

ATTACHMENTS

Revised By-Laws

DO NOT TYPE BELOW THIS LINE

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 | CBrown | CCloninger | AFraleley | BHovis | KJohnson | TKeigher | RWorley | Vote |
|----------|------------|----|----|--------|------------|-----------|--------|----------|----------|---------|------|
| 2023-112 | 03/28/2023 | BH | TK | A | A | A | A | A | A | A | U |

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A=AYE, N=NAY, AB=ABSENT, ABS=ABSTAIN, U=UNANIMOUS

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

Article I: Name and Purpose

Section I: The name of this body shall be the Gaston County Juvenile Crime Prevention Council (JCPC).

Section II. The purpose of The Juvenile Crime Prevention Council (JCPC) shall be to serve as the community level organization, which through partnership with the State of North Carolina, and the Gaston County Board of Commissioners (BOCC), and charged by the North Carolina General Assembly to plan, organize, and evaluate locally-based programs designed to prevent and mitigate juvenile delinquency in Gaston County. N.C.G.S. § 143B-845.

Article II: Duties

Section I: As provided by Section 143B-851 of the North Carolina General Statutes, the duties of the JCPC shall include, but are not limited to the following. On an annual basis, the JCPC shall assess the needs of juveniles in the county who are at risk of delinquency or who have been adjudicated undisciplined or delinquent and the resources available to address those needs. The JCPC shall also develop and advertise a request for proposal (RFP) process for allocation of funds originating through the Division of Juvenile Justice and Delinquency Prevention of the North Carolina Department of Public Safety (the Division) and submit for approval to the BOCC a plan of action for the allocation of funds to programs that address the needed services for juveniles in Gaston County.

Section II: On an on-going basis the JCPC shall:

- 2.1: Ensure that appropriate intermediate dispositional options are available and prioritize funding for dispositions of intermediate and community-level sanctions for court-adjudicated juveniles under minimum standards adopted by the Division;
- 2.2: 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;
- 2.3: Evaluate the performance of juvenile services and programs in the community;
- 2.4: Evaluate each funded program as a condition of continued funding;

2.5: Increase public awareness of the causes of delinquency and strategies to reduce delinquency;

2.6: Develop strategies to intervene and appropriately respond to and treat the needs of juveniles at risk of delinquency through appropriate risk assessment instruments;

2.7: Provide funds for services for treatment, counseling, or rehabilitation for juveniles and their families. These services may include court-ordered parenting responsibility classes;

2.8: Plan for the establishment of a permanent funding stream for delinquency prevention services; and

2.9: 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.

Section III: The JCPC shall adopt a funding policy to define the Council's process under Article II, Section I above, for reviewing and prioritizing applications in order to ensure that the planning process is the foundation for funding decisions. This will include prioritizing needed services identified in the risk assessment and planning process as well as establishing a procedure for notifying applicants of award status during the approval process. The policy shall, at a minimum, include:

3.1: The process by which the RFP is developed and publicized each year;

3.2: General parameters for the establishment and publication of the timeline for submission of applications;

3.3: Guidelines for screening applications and determining which programs may present their proposals to the full JCPC; and

3.4: In accordance with policies and procedures established by the Division, the JCPC must approve a funded-agency budget revision when the proposed change requires a Program Agreement revision.

Article III: Composition of the Juvenile Crime Prevention Council

Section I: The JCPC shall consist of not more than 26 members appointed by the BOCC and should include, if possible, the following, as provided by N.C.G.S. § 143B-846:

1.1: The local school superintendent, or that person's designee;

- 1.2: A chief of police in the county, or the appointed chief's designee;
- 1.3: The local sheriff, or that person's designee;
- 1.4: The district attorney, or that person's designee;
- 1.5: The chief court counselor, or that person's designee;
- 1.6: The director of the area mental health, developmental disabilities, and substance abuse authority, or that person's designee;
- 1.7: The director of the area local management entity/managed care organization (LME/MCO) or that person's designee;
- 1.8: The county manager, or that person's designee;
- 1.9: A substance abuse professional;
- 1.10: A member of the faith community;
- 1.11: A county commissioner;
- 1.12: Two persons under the age of 21, one of whom may be a member of the public representing the interests of families of at-risk juveniles;
- 1.13: A juvenile defense attorney;
- 1.14: The chief district court judge, or a judge designated by the chief district court judge;
- 1.15: A member of the business community;
- 1.16: The local health director, or that person's designee;
- 1.17: A representative from the United Way or other nonprofit agency;
- 1.18: A representative of a local parks and recreation program; and
- 1.19: Up to seven members of the public to be appointed by the BOCC.

Section II: JCPC membership may be modified as necessary to ensure that the members reflect the racial and socioeconomic diversity of the community and to minimize potential conflicts of interest by members.

Section III: Each member shall serve for a term of two (2) years and members may be reappointed by the BOCC. Terms shall commence on July 1 of each year. N.C.G.S. § 143B-847.

Section IV: Members must remain in good standing by meeting attendance standards as established by BOCC policy, "Procedures for Advisory Board Appointments." This shall include no more than three (3) unexcused absences.

Section V: Appointments to fill vacancies shall be for the remainder of a former member's term. Members shall be removed for malfeasance or nonfeasance (including failure to follow attendance standards) as determined by the BOCC. N.C.G.S. § 143B-848.

Article IV: Meetings of the Juvenile Crime Prevention Council

Section I: The JCPC is a public body. All meetings shall be open to the public and all business of the JCPC must be transacted at a properly noticed meeting. N.C.G.S. § 143-318.9, 318.18.

Section II: The JCPC shall hold meetings at least six (6) times per year, or more often if a meeting is called by the Chairperson. Notice of regular meetings shall be made by publication of an annual meeting calendar on the county website. Notice of any changes in the meeting schedule shall be given according to the Sunshine List. N.C.G.S. § 143B – 849.

Section III: The Chairperson or a majority of the JCPC members may call a special meeting at any time, provided each member of the JCPC receives notice of the time and location of the meeting and the items to be discussed at least 48 hours before the special meeting. Only the items of business contained in the special meeting notice may be transacted at a special meeting. Notice of special meetings shall be distributed to the Sunshine List and announced via email to all JCPC members and funded programs.

Section IV: During a declared state of emergency or other health or safety situation, which has been declared by either the State of North Carolina or the County of Gaston, the Chairperson or designee is authorized to declare that an official meeting shall be conducted in whole or in part through remote means. A remote meeting is an official meeting, or any part thereof, between one or all members of the public body participating by simultaneous communication. Simultaneous communication is defined as: Any communication by conference telephone, conference video, or other electronic means. A remote meeting is only permitted as authorized pursuant to N.C.G.S. § 166A-19.24.

Section V: A quorum, defined as the majority of the current JCPC members, shall be necessary to conduct any business by the JCPC or its committees. If there is not a sufficient quorum, and a majority of those present agree, members may submit their vote via email or text and written evidence of such decision, attributable to each remote voter by name, shall be attached to the meeting records to support the final decision. N.C.G.S. §§ 143B-849, 143-318.13. Except as otherwise provided above, members must be physically present at a JCPC meeting to be counted in attendance or to vote. Members may be counted in attendance and participate in committee meetings by telephone or other audio-visual means.

Section VI: A proposed agenda shall be prepared for all meetings and each member shall receive a copy of the proposed agenda by the close of the business day preceding the meeting. When possible, supporting materials shall be included with the proposed agenda. Items may be placed on the proposed agenda by any member of the JCPC. Items for the proposed agenda must be received by the Chairperson at least 48 hours before the meeting. The proposed agenda for a particular JCPC meeting shall be

available for public inspection prior to the meeting. The first item of business at each meeting shall be the adoption of the agenda.

Section VII: Any individual or group who wishes to address the JCPC shall make a request to the Chairperson to be included on the proposed agenda, in accordance with Section VI, above. Such requests shall be granted at the discretion of the Chairperson, who may establish appropriate time limits.

Section VIII: Gaston County contracts with an individual to serve as an Administrative Assistant to the JCPC. The Administrative Assistant performs the duties of the Secretary. The Secretary shall ensure that accurate minutes of all meetings of the JCPC are kept in perpetuity. Attendance shall be included in the minutes. Minutes shall be maintained according to procedures established by the County Manager and shall be available for public inspection after they are approved by the JCPC. The JCPC shall abide by the current version of *Robert's Rules of Order* for procedural matters, unless otherwise determined by a majority of the JCPC. Should there be a disagreement regarding a procedural matter, the Chairperson shall consult with the Division consultant. No member of the JCPC may act as Parliamentarian.

Section IX: Except where a conflict of interest exists, each council member is entitled to one vote on any issue properly before the JCPC.

Article V: Officers

Section I: The officers of the JCPC shall consist of a Chairperson, a Vice-Chairperson, and a Secretary. The officers of the JCPC shall be elected or reappointed by majority vote of the membership of the JCPC to one-year terms at the May or June meeting. N.C.G.S. § 143B-846. The Officers will assume their role effective July 1.

Section II: Any officer elected or appointed by the JCPC may be removed by majority vote of the members. If an officer is removed or resigns, the JCPC will elect a replacement to fill the remainder of the term at the next meeting, or as soon as practicable.

Section III: Duties of the Officers

3.1: The Chairperson shall preside at all meetings of the JCPC, serve as Chair of the Executive Committee, appoint members of all committees, and perform such other duties as may be prescribed by the JCPC. The Chairperson shall also ensure that conflicts of interest are appropriately addressed and shall appoint the members of all Standing and Ad Hoc Committees.

3.2: In the absence of the Chairperson, the Vice-Chairperson shall perform the duties of the Chairperson. The Vice-Chairperson shall perform other

duties as assigned by the Chairperson. The Vice-Chairperson shall perform the duties of the Secretary in the absence of the Secretary.

3.3: The Secretary shall establish and distribute the proposed agenda and determine the order of business at each meeting. The Secretary shall ensure that accurate minutes are recorded and maintained according to procedures established by DJJDP and the County Manager and shall perform other duties as prescribed by the JCPC.

Article VI: Committees

Section I: Notice of all committee meetings shall be made according to procedures outlined in Article IV, Sections I-III.

Section II: The Executive Committee may act and exercise the authority of the JCPC (except for funding decisions) to the extent such action may be necessary. The Executive Committee shall consist of the officers of the JCPC as well as the Chairpersons of the four Standing Committees (as described in Article VI, Section III) and others as may be designated by the Chairperson. The Executive Committee shall keep minutes of its proceedings and provide them to the JCPC.

Section III: Each member of the JCPC except for the Chairperson is encouraged to serve on at least one Standing Committee. However, no JCPC member may serve on more than two Standing Committees and one Additional or Ad Hoc Committee. Appointments to the Standing Committees and designation of committee chairs are made by the Chairperson of the JCPC, with strong consideration given to each member's preference. The Chairperson may reassign JCPC members to Standing Committees as is necessary. The Chair of each Standing Committee shall assure that minutes of committee proceedings and attendance are kept and report their proceedings to the JCPC. In order for a Standing Committee to take action, a quorum of the Standing Committee's membership must be present. The following constitute the Standing Committees:

3.1: Nominating Committee: The Nominating Committee is responsible for identifying and recommending candidates to fill vacancies on the JCPC and for coordinating the election of officers. The Nominating Committee will report to the JCPC impending term expirations and reappointments at the May meeting. At least three (3) members of the JCPC will be assigned to the Nominating Committee.

3.2: Planning Committee: The Planning Committee is responsible for assessing the risk and needs of the juvenile population and for reviewing data on juvenile delinquency in Gaston County, for identifying unmet program and service needs, and for recommending funding priorities to the JCPC. At least three (3) members of the JCPC will be assigned to the Planning Committee.

3.3: Monitoring Committee: The Monitoring committee is responsible for evaluating each funded program annually for program performance and the degree to which the program operation is consistent with the program agreement. As part of the assessment process, the Monitoring Committee will assure that periodic onsite inspections of funded programs are conducted. At least five (5) members of the JCPC will be assigned to the Monitoring Committee.

3.4: Allocations Committee: The Allocations Committee is responsible for reviewing all Requests for Proposals (RFPs) and Program Agreements and making recommendations for funding to the full Council. At least five (5) members of the JCPC will be assigned to the Funding Committee.

Section IV: The JCPC may create Ad Hoc Committees as necessary to explore short-term issues or conduct special projects that are outside the purview of another committee. The guidelines for Standing Committees will apply to any Ad Hoc Committee.

Article VII: Miscellaneous Provisions

Section I: Confidentiality must be maintained. No juvenile receiving services from the Department may be identified during a meeting.

Section II: No JCPC member (other than the Chairperson or Vice-Chairperson) is authorized to represent the JCPC without prior authorization from the JCPC.

Section III: No member of the JCPC shall receive compensation for service but may receive a per diem in such amount as may be established by the BOCC. N.C.G.S. § 143B-850.

Section IV: Annually, the JCPC shall adopt the Conflict of Interest form ("Conflict of Interest Disclosure Form for JCPCs," *Form DJJDP13 001b*, hereinafter "the Form") provided by the Division. Each JCPC member must execute the Form, disclosing in writing the existence, nature, and extent of any potential or actual conflict of interest. Should a conflict arise or become known after the Form has been executed, the member shall immediately disclose the conflict in writing to the JCPC Chairperson, the County Finance Officer, and the County Manager. No JCPC member who is paid with local JCPC grant funds or who directly supervises a JCPC funded program shall be eligible to vote in funding decisions for that particular program. No JCPC member who is paid with local JCPC grant funds or who directly supervises a JCPC funded program may serve on the Allocations Committee or participate in the monitoring site visit for that program. N.C.G.S. § 14-234.

Section V: These bylaws may be amended or repealed, and new bylaws may be adopted by the affirmative vote of a majority of the current Council members at any regular or special meeting of the JCPC. Any proposed changes to bylaws (including repeal or adoption of new bylaws) must be brought before the JCPC at least ten (10) days prior to the meeting in which the vote will be taken.

Section VI: All correspondence and communications of the JCPC are public records and are therefore subject to the North Carolina Public Records Act. *See* Chapter 132 of the North Carolina General Statutes.

Article VIII: Appeals of Local Funding Decisions

Section I: Any agency that wishes to dispute a decision of the JCPC regarding funding under an RFP shall submit a written appeal to the Chair of the JCPC within five (5) business days of the date of the JCPC decision. The appeal, at a minimum, shall state the basis of the appeal, what statutes, or the DJJDP, BOCC, and/or JCPC policies or procedures are alleged to have been violated, and what action is requested. The appeal must include supporting documentation for the Council to adequately consider the appeal. The full JCPC will hear and rule on the appeal at the next scheduled regular JCPC meeting. Should the JCPC deny the appeal, the disputing agency may appeal to the County Manager, then to the BOCC, and thereafter to the Division, in that order. Appeals to the DJJDP shall be made through the Area Consultant for Gaston County.

These By-laws are hereby amended by vote of the Gaston County Juvenile Crime Prevention Council on February 14, 2023.



Chair, Juvenile Crime Prevention Council

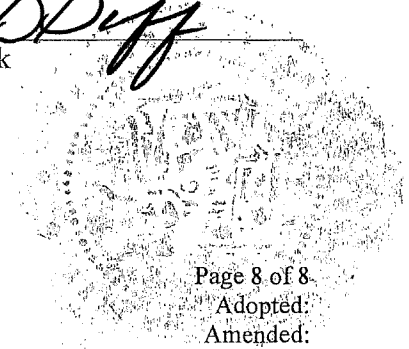
Certification

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 March 28, 2023.



Donna S. Buff, Clerk

SEAL



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Adopted:
Amended: