

Burke County Juvenile Crime Prevention Council By-Laws
December 17, 2019

Article I

Name

The name of this committee shall be the Burke County Juvenile Crime Prevention Council.

Article II

Purpose

This committee is formed by the Burke County Board of Commissioners to coordinate the services of various agencies, which serve youth who are in trouble with the law or who are at risk for difficulty with the law. The committee serves in an advisory capacity to the County Commissioners and assumes specific delegated responsibilities in the name of the Commissioners as delineated in these by-laws. The committee serves the needs of youth by:

Identifying the problems and needs of youth in trouble with the law in Burke County.

Determining what programs exist to meet the needs.

Recommending and supporting the continuation of existing effective programs and the creation of additional programs by which juvenile delinquency and youth may be prevented.

Monitoring and reporting on these programs for youth, which are designed to prevent institutionalization and provide alternative, community –based opportunities.

Article III

Functions and Responsibilities

To advertise and publish the availability of funds under the Juvenile Justice Reform Act of 1998 administered by the North Carolina Department of Public Safety, Division of Adult Correction and Juvenile Justice (DACJJ).

To seek to provide technical assistance to the public and private agencies and non-profit organizations in understanding and meeting the requirements of application of DACJJ funds.

To act as a review committee for project applications under the DACJJ programs and to improve programs and set priorities for submission to the County Commissioners and other funding authorities.

To assess, at least annually, the needs and responsiveness of the community to the problem of youth as they affect the target population.

To monitor and evaluate the effectiveness of DACJJ programs in carrying out their stated goals and assuring that expenditures are appropriately utilized.

To provide, at least annually, to the County Commissioners a report of the accomplishment and status of projects funded under these programs.

To educate the community to existing services for delinquency prevention or treatment.

To keep abreast of other legislation or privately endorsed funding programs, which affect the target population and to provide information and assistance to agencies or non-profit groups in making applications.

To assume other responsibilities as assigned by the Burke County Commissioners if deemed passable by the membership of the Juvenile Crime Prevention Council.

Article IV

Membership

The members shall be appointed by the Burke County Board of Commissioners to serve a two-year term. Except for ex-officio members required by state statute to serve on the council, members may be reappointed for two additional terms with a total of six years' service. Membership shall represent all geographic areas of the County. The voting membership, which is composed of up to 26 members, shall include, if possible:

- Local School Superintendent or designee
- A Chief of Police
- Local Sheriff
- District Attorney or designee
- Chief Court Counselor or designee
- Director of Mental Health or designee
- Director of Social Services or designee
- County Manager or designee
- Substance Abuse professional
- Member of the faith community
- County Commissioner
- Two persons under age 18 (State Youth Council is not available in Burke County)
- Juvenile Defense Attorney
- Chief District Court Judge, or designee judge
- Member of the business community
- Health Director or designee
- United Way or nonprofit agency representative
- Parks and Recreation Representative
- Up to 7 members appointed by the County Commissioners

Article V

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 of 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, Burke County/JCPC Collaborative 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.

Policy:

North Carolina Department of Juvenile Justice policy requires members of the Juvenile Crime Prevention Council (JCPC) members to notify the JCPC when a conflict of interest exists.

Conflict of Interest:

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 or, 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.

Notification:

Annually each appointed member of the JCPC will be required to complete a DACJJ Conflict of Interest form. During the year, when a conflict arises (due to employment, board service, etc.) the member is required to notify the JCPC chair.

Review of all disclosures will be on the agenda of scheduled Council meetings. The JCPC chair will call for a vote on whether or not the member disclosing potential conflict of interest will be involved in any given voting decision.

Discussion and Voting:

When such an item is the subject of a motion before the Council, and is open for discussion, those members of the Council who acknowledge such a conflict of interest shall identify themselves and state their intention to abstain from discussion and voting.

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 may bring such conflict to the attention of the Council and request that individual abstain from discussion and voting. If there is a dispute as to whether or not the Council member in question has an actual conflict of interest the Leadership Council shall have the option of ruling the member whose vote is in dispute shall be entitled to vote under the challenge, such ballot and dispute to be resolved only in the event the challenged ballot is determinate of the outcome of the vote.

Recordkeeping:

JCPC action taken as a result of a conflict of interest (form DPS 13.001b) shall be made a part of the public record by entering it into the meeting minutes.

Additionally, the County Manager and Finance Director will be notified of conflicts of interest.

Article VI**Meetings**

The JCPC will abide by North Carolina General Statute 143-318.9-18, commonly called the open meetings statutes. Regular meetings will be held (at least every other month in a fiscal year) and special meetings will be called with at least five calendar days' notice.

Public notice of JCPC meetings will be accomplished by an annual calendar adopted by July 1 for the fiscal year; via the JCPC website; by email to the membership and programs; and by notice in the local newspaper. All Public Notices will always include an open meeting statement that any citizen or group may attend.

Changes to the JCPC Meeting Schedule and/or cancellations will be made public by email and notice to the local newspaper.

The Council will ensure accurate minutes are recorded for all meetings and provide copies to the Office of the County Manager.

Article VII**Attendance**

Any committee member missing two consecutive meetings of the committee shall be asked to give just cause. Absence from three consecutive meetings shall constitute grounds for removal. Members

representing agencies may appoint an alternate to attend, but will be removed under the same regulation for missing three consecutive meetings.

Article VIII

Leadership Council

The Leadership Council shall be chairs designated from each committee and Vice Chair of the JCPC. An Administrative Assistant will be contracted to provide support to the Leadership Council and the respective committees. The Governance Committee shall present a slate of Leadership nominees to be presented to the JCPC at the regular March meeting to be voted on by the membership by the month of April. The slate of nominees will include a chair, a vice chair, and a chair for each committee. Nominations may be made from the floor. Election shall be by simple majority vote. The term of office shall be from July 1 through June 30.

The duties of the Leadership Council shall be as follows:

They shall call, preside, and prepare the agenda for all meetings and represent the Juvenile Crime Prevention Council at all official, related activities. They shall coordinate and control the management of the committee in keeping with these by-laws. They shall appoint the membership to committees and designate the objectives and responsibilities of the committees.

The duties of the Administrative Assistant shall be as follows:

He/she shall keep accurate records of the transactions of the Council. He/she shall oversee the distribution of information concerning availability of project proposals. He/she shall keep accurate accounts of membership attendance and take appropriate action under the attendance requirements under the direction of the chair of committee activities.

Article IX

Funding Policy

The Funding Policy defining the Council's process for reviewing and prioritizing applications for funding is a separate appendix to the JCPC by-laws.

Article X

Committees

The Leadership Council shall appoint the following committees for the term of their office with advice and consent of the membership. The committees and their duties shall be as follows:

Governance – shall coordinate membership and committee assignments for members; oversee the committees in adhering to these by-laws and Juvenile Crime Prevention Council Certification; and monitor and evaluate the effectiveness of DACJJ funded programs. The Governance chair presides over JCPC meetings, and the Leadership Council. In the absence of the Governance chair, the vice-chair shall serve as chair. The Leadership Council, at the request of the JCPC, may appoint any special subcommittee necessary and appropriate.

Communications and Outreach – responsible for the resource and needs assessment of the Annual Plan; shall facilitate communication with DACJJ, JCPC members, and DACJJ funded agencies; and educate the public to existing services of delinquency prevention or treatment

Finance – Shall seek to provide assistance to public and nonprofit organizations in understanding and meeting the requirements of application for DACJJ funds; advertise and publish the availability of DACJJ funds; establish written policies and procedures for funding; establish the schedule for Request for

Proposals; monitor the JCPC Administrative budget and expenditures; and keep abreast of other legislation or privately endorsed funding programs which affect the target population.

Article XI

Parliamentary Procedures

Roberts Rules of Order, Revised, shall provide the established procedure for conducting all meetings. The by-laws may be amended at any regular meetings of the committee by a majority vote of the committee members present, provided all members have been notified of the proposed amendment five business days in advance.

A quorum is defined as a simple majority of the duly appointed members of the JCPC. No action will be taken without a quorum. If a duly appointed member is available via telephone during the meeting, that will count as attending the meeting.

Proxy: A duly appointed member may send a proxy in his/her stead when the member has delivered written notice to the Governance Chair or Administrative Assistant prior to the meeting. E-mail is acceptable. The proxy attending the meeting will count towards determining a quorum present for the meeting. The Governance chair is required to announce and introduce the proxy at the beginning of the meeting. Any conflict of interest the proxy may have shall be announced. The proxy will be required to complete a conflict of interest form prior to any business. The proxy will be allowed to vote on any business that is announced prior to the meeting.

Last version approved by the Board of Commissioners: January 16, 2002.

Amended by the Burke County JCPC: August 10, 2011

Approved by the Burke County Board of Commissioners: December 20, 2011.

Amended by the Burke County JCPC: August 14, 2013

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Amended by the Burke County JCPC: September 9, 2015

Approved by the Burke County Board of Commissioners: October 20, 2015.

Amended by the Burke County JCPC: November 13, 2019

Approved by the Burke County Board of Commissioners: December 17, 2019

**Policy for Review and Funding
of Burke JCPC Applications
October 20, 2015**

1. Purpose: Juvenile Crime Prevention Council (JCPC) funds are used to provide community based services for youth who are defined by the Division of Juvenile Justice (DACJJ) as delinquent, undisciplined, or youth at risk. Funding priority is given to those programs meeting the dispositional needs of juvenile court and the priorities established by the Burke Juvenile Crime Prevention Council as identified in the planning process and advertised in the annual request for proposals.
2. Applicant Requirements: Programs providing treatment or intervention services must meet the eligibility requirements for youth to be served as established by the DACJJ. Program staff members are also expected to work with JCPC members and DACJJ staff to develop programs that utilize acknowledged "best practices" for at risk and court involved youth. Programs must have a Standardized Program Evaluation Protocol (SPEP) service type or be an "evidence based" model. (explanation of best practices)
3. Request for Proposals (RFP): The Burke JCPC will review the annual Request for Proposals (RFP) prior to its advertisement. RFPs may be publicly advertised on the Burke County web site and directly mailed or e-mailed to all existing service providers, the United Way office, or other agencies serving youth, and the school system and published in the local newspaper if deemed necessary. The RFP may also be posted in the location for other Public Notice in the County. The RFP will allow a minimum of 30 days from the date of publication until the application due date, and will include (at a minimum):
 - a. The funding priority of services established by the JCPC
 - b. The due date for the application
 - c. Where the application can be obtained.
 - d. Date, time, and location of the annual bidder's conference.
 - e. A prioritization of risk factors
4. Exclusions: An application **or agreement** will be excluded from consideration for funding due to any of the following reasons:
 - a. Late submission (after the RFP published deadline date)
 - b. Incomplete information (including any documents or information listed on the RFP)

A log will be maintained listing all agencies intending to apply and those agencies turning applications or agreements in by the due date.

5. Additional Round of Proposals: The JCPC may choose to request additional rounds of proposals if all funds have not been awarded or if funds have been reserved to be utilized in specific priority areas not covered by prior applications received.
6. Application Orientation: Annually and at the beginning of the request for proposals time frame, a bidder's conference will be held. New applicants are required to attend. A new applicant is defined as any agency that is not funded by the JCPC at the time the RFP is distributed.

Applications must be complete including all narrative and budget information required on the-DACJJ NCALLIES web site forms. The Area Consultant can provide technical assistance to the JCPC by offering

an Applicant Orientation which provides detailed instructions on completing the application as well an introduction to JCPC and the legislative intent of their development. The JCPC may require, strongly recommend, or offer the Orientation to applicants.

7. Applicant requirements: Applicants must meet all DACJJ requirements. Applicants shall submit to the Burke JCPC Administrative Assistant by the established deadline the following:

- a management letter stating "no overdue taxes due"
- A current list of their Board of Directors, and
- Notification of any conflicts of interest that exist.

Additionally, new programs, or programs that are not funded at the time of the RFP deadline, are required to submit three letters of support from outside their agency, a copy of their annual audit or financial statement and proof of their 501(c)(3) status to the JCPC and.

8. Presentation: All agencies whose applications meet the program requirements will be given an opportunity to present their proposal to the Finance Committee or the JCPC. The JCPC/Finance Committee may establish the format for the presentation (i.e. time limit, content they wish to see covered).

9. Criteria: The JCPC will review the applications and Finance Committee recommendations, and award funding based on priority needs, quality of services, and cost per unit (of same-type projects).

10. Conflict of Interest: In order to avoid conflict of interest, any JCPC member who is also a service provider is requested not to speak of other applications submitted in their area of service delivery and to refrain from voting on proposals in that area.

11. Award Notification Procedures:

Agencies will be notified of funding recommendations and decisions in the following steps:

(a) Finance Committee recommendation will be sent to the program via e-mail. The notification will include the date, time and location of the JCPC meeting when the Finance Committee will present their recommendation. All programs are required to attend. NOTE: Within 72 hours of notification of the Finance Committee's funding plan, programs must submit written notification to the Finance Chair and JCPC Chair, that the recommended funding plan will significantly impact staffing and/ or programming as originally submitted.

(b) The JCPC vote, either accepting or not accepting the Finance Committee recommendation will be sent via email to each program manager. That correspondence will include the tentative date that the JCPC funding plan recommendation will be presented to the Burke County Board of Commissioners.

(c) The Burke County Board of Commissioners must approve the JCPC funding plan. Their decision will be announced at the following Council meeting.

12. Grievance: If a program has a grievance resulting from a Finance Committee action they must: submit a written or e-mail statement to the Finance Chair and JCPC Chair; the grievance must be given within 72 hours of receiving the Finance Committee's notice of the allocation decision to be presented to the JCPC; the grievance must state specifically the Funding Policy element which they believe to have been disregarded. If subsequent action is not satisfactory, the grievance may be taken to the DACJJ Area

Consultant. Notice of the grievance will be given to the County Manager and County Attorney within 48 hours of its receipt by the JCPC Chair.

13. Deadline Dates: Deadline dates for submission of the program application and program agreement will be listed on the Burke County JCPC Timeline given to programs applying for funding at the orientation (Bidders' Conference). Failure to submit the information into the State NC ALLIES program by the deadline given will result in exclusion from the funding allocation worksheet presented to the County Commissioners for approval. Program funds will be set aside and a revised funding allocation may be approved by the Commissioners.

Policies Approved by Burke County JCPC: August 14, 2013

Approved by the Burke County Board of Commissioners: September 17, 2013

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