

**SANTA CLARA COUNTY
CHILD ABUSE PREVENTION COUNCIL**

BYLAWS

(October 17, 2017)

Approved: 10/17/2017

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ARTICLE I - NAME

The name of this organization shall be the Santa Clara County Child Abuse Prevention Council (the "Council"). The Council is an independent organization within county government as defined in California Welfare and Institutions Code § 18983.5.

ARTICLE II - PURPOSES AND OBJECTIVES

- A. The primary purpose of the Council is to coordinate the community's efforts to prevent and respond to child abuse. (Cal. Wel. & Inst. Code § 18982.)
- B. The Mission of the Council is to protect children from abuse and neglect by their parents and caregivers, and from the systems designed to protect them.
- C. The Council will establish yearly priorities that will establish its goals for the year and be used as a guide for Council committees in setting their objectives.

ARTICLE III – MEMBERSHIP

Section I - Voting Members

- A. There shall be twenty-three (23) voting members of the Council. The members shall be selected based on the following criteria:
 - 1. Primary consideration is based on the contents of the prospective member's application and references. Each application shall identify the community, system, services organization, agency or department the applicant represents.
 - 2. A member shall provide insight into the issues of treatment, of prevention, and of education about child abuse.
 - 3. A member needs experience and background in the child abuse field and should be involved actively in the community.
 - 4. The Council is committed to maintaining a balance of Voting Members that are representative of a cross-section of the community with varied professional experience. In accordance with Welfare and Institutions Code § 18982.1, the Council shall encourage representatives from the following:
 - Public child welfare services, such as:
 - The County welfare or children's services department.
 - The County Probation Department.

- Licensing agencies.
 - The criminal justice system, such as:
 - Law enforcement.
 - The Office of the District Attorney.
 - The courts.
 - The County Medical Examiner-Coroner.
 - Prevention and treatment services communities, such as:
 - Medical and mental health services.
 - Community-based social services.
 - Public and private schools.
 - Community representatives, such as:
 - Community volunteers.
 - Civic organizations.
 - The religious community.
5. The County acting through its Social Services Agency is the fiscal agent for the Council but the Social Services Agency shall not be a member of the Council.
- B. Voting members shall be entitled to receive agendas, minutes, and all other materials related to the Council by electronic mailings; may vote at meetings of the Council; may hold office; and may serve as chairpersons of Council committees or task forces.
- C. The Council shall make recommendation(s) for Council membership to the Santa Clara County Board of Supervisors. Voting members of the Council are appointed by the Santa Clara County Board of Supervisors and must be residents of Santa Clara County.

Section II -Terms and Oath of Office

- A. Voting Members of the Council shall serve a four (4) year term commencing on July 1, or upon date of appointment to complete an existing term, and ending on June 30.
- B. Before any Council member enters into the duties of this office, the Council member shall take an oath or affirmation set forth in Article XX, Section 3 of the California Constitution. A certified copy of the oath shall be filed in the office of the County Clerk of the Board.
- C. Voting members shall continue to serve on the Council until the appointment of his or her successor. No Voting Member shall be eligible to serve for more than three (3) consecutive terms in addition to any portion of any unexpired term which may have been served as a Voting Member.

Section III - Community Advisory Members

- A. Anyone with an interest in, and commitment to, improving child abuse prevention and intervention services in the County may apply to be a community advisory member of

the Council.

- B. Community advisory members are entitled to receive agendas, minutes, and other materials related to the Council by electronic mailings and may participate in the meetings and all activities of the Council. Community advisory members are required to serve on at least one (1) committee and attend Council meetings.
- C. Community advisory members may not vote or hold office, but may serve as the sole Chairperson of a committee or task force.
- D. Community advisory membership is approved by a quorum of voting members of the Council.

Section IV - Requirements and Responsibilities of Members

- A. All members must:
 - 1. Have a direct interest in and commitment to the improvement of child abuse prevention and intervention services in the community.
 - 2. Demonstrate knowledge of child abuse prevention and intervention services in the County and an interest in and commitment to the improvement of those services.
 - 3. Attend Council meetings regularly. Failure to attend more than three regular meetings during any fiscal year may be grounds for termination of membership.
 - 4. Participate actively on at least one (1) committee. Failure to participate actively may be grounds for termination of membership.
 - 5. Whenever possible, serve as a conduit for information to and from the constituency they represent.
 - 6. Share responsibility for the leadership of the Council and its committees.

Section V - Emeritus Membership

- A. A person is eligible for Emeritus membership if he or she has been an active participant as either a Voting and/or Community Advisory member of the Council for at least eight (8) years. Two (2) of the eight years must be served immediately preceding his or her request for Emeritus status. This request must be submitted to the membership committee within 90 of the end of his or her membership.
- B. Emeritus Members may receive electronic mailings from the Council and may participate in all meetings, including special meetings, workshops, and the annual retreat.

- C. Emeritus members may not vote or hold office, but may serve as a sole Chairperson of a committee or task force.

Section VI- Resignations

- A. A resignation from a Voting Council member shall be in writing and filed with the appointing Supervisor and the Clerk of the Board with courtesy copies to the Membership Committee and the Council Chairperson.
- B. A resignation from a Community Advisory or Emeritus member shall be in writing to the Membership Committee with a courtesy copy the Council Chairperson.
- C. A resignation of a Committee member shall be in writing to the chairperson of the committee. The chairperson of the committee will inform the Membership Committee of the resignation.

Section VII – Termination of Membership

After three or more absences from a regular meeting in one fiscal year, a continued failure to participate actively on a committee, or conduct which is inconsistent with the mission of the Council, the Executive Committee may recommend to the Board of Supervisors that a vacancy be declared for a voting member. For Community Advisory or Emeritus members, the Council may terminate the membership.

- A. The Membership Committee monitors Council meeting attendance and committee participation. Committee Chairpersons will notify the Membership Committee of members who are not active on their committee.
- B. The Executive Committee will be notified of members who have missed three regular Council meetings or are not actively participating on a committee.
- C. The member will be contacted about lack of attendance or participation prior to taking any action.

Section VIII – Vacancies

When a vacancy exists on the Council because of expiration of a term, resignation, or termination of a Voting membership, the Council shall make recommendations for new Voting members to the Board of Supervisors. These recommendations must be based on the selection criteria specified in Section I(A).

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ARTICLE IV - MEETINGS

Section I - Open and Public

All meetings of the Santa Clara County Child Abuse Prevention Council and its committees and task forces shall be open and public, and conducted in accordance with the Brown Act and Roberts Rules of Order.

Section II - Regular Meetings

There will be nine regularly scheduled meetings and one retreat per year conducted in accordance with the Brown Act. The Council will provide a copy of the annual meeting calendar to the Clerk of the Board at the beginning of each fiscal year, and will provide information on any changes thereto.

Section III - Quorum and Voting Requirements

- A. A majority consists of twelve (12) voting members, which constitutes a quorum for the transaction of business, and no act of the Council is valid unless at least twelve (12) of the members concur.
- B. Each voting member shall be entitled to one vote. All voting must be in person and at an appropriately noticed meeting. The names of the members will be filed with the Clerk of the Board.

ARTICLE V - FISCAL POLICIES – ANNUAL BUDGET

Committees and task forces will prepare an annual budget and work plan for review and input by the Executive Committee. The committee budgets and work plans will be incorporated into the Council's annual budget and work plan and forwarded to the Council for review. At the Council's March meeting, or as soon thereafter as practical, the Council shall approve its annual budget and work plan and forward it to the Board of Supervisors for final approval. The Council's annual budget, work plan, and all expenditures must comply with the State's fiscal requirements.

ARTICLE VI - OFFICERS

Section I - Definition

There shall be the following officers of the Council: a Chairperson, a Vice Chairperson for Administration, a Vice Chairperson for Programs, and a Treasurer. All Officers shall be elected from the voting membership of the Council. The Clerk of the Board shall serve as the Secretary to the Council but shall not be a member of the Council.

Section II - Powers and Duties of Officers

A. Chairperson

1. Presides at all meetings of the Council;
2. Sets the agenda for Council meetings;
3. Acts as Chair of the Executive Committee and set the agenda for Executive Committee meetings;
4. Calls special meetings of the Council as necessary, subject to Brown Act requirements;
5. Cancels meetings as necessary;
6. Facilitates the purposes of the Council by having such powers and duties as may be prescribed from time to time by majority vote of the voting membership;
7. Communicates with the Board of Supervisors on behalf of the Council;
8. Fills vacancies among committee chairpersons by appointment if the Committee does not chose a Chair;
9. Oversees administrative functions of the Council, with the aid of the Executive Committee;
10. Delegates a reasonable portion of his or her duties to the Vice Chairpersons as necessary;
11. Approves invoices in the absence of the Committee chair.

B. Vice-Chairperson for Administration

1. Chairs Council and Executive Committee meetings in the absence of the Chairperson;
2. Assists the Chairperson as liaison with the Board of Supervisors as requested;
3. Functions as an Executive Committee member;
4. Oversees compliance with, and periodic revisions of, Council By-Laws;
5. Assumes the duties of Treasurer, including review and approval of invoices in the Treasurer's absence;

6. Assumes other responsibilities the Chairperson may delegate.

C. Vice-Chairperson for Programs

1. Performs the duties of Chairperson in the absence of both the Chairperson and the Vice-Chairperson for Administration;

2. Functions as a member of the Executive Committee;

3. Acts as liaison between the Executive Committee and the various activities of the committees;

4. Assumes responsibility for the program portions of Council meetings, as directed by the Executive Committee;

5. Communicates with committee chairpersons to ensure the committees are discharging their responsibilities;

6. Assumes other responsibilities the Chairperson may delegate.

D. Treasurer

1. Is responsible for the budgeting process of the Council and committees;

2. Reviews and approves all invoices for consistency with the Council's approved budget and workplan;

3. Works in conjunction and collaboration with the Contracts Administrator in overseeing Council/committee expenditures;

4. Presents amended budgets when the Council allocates funds after a budget has been approved;

5. Makes a report to the Council during each regular meeting which will include funds expended since the last report, the amount of funds encumbered, and the balance left.

6. Works with the Contracts Administrator to advise committees on financial procedures and service agreements as needed;

7. Serves as a member of the Executive Committee;

8. Consults with the Executive Committee in preparing the recommended Council budget for the year.

Section III - Nomination and Elections

A. Nominations

1. The Executive Committee shall form a Nominations Committee of at least three (3) members in January of each year.
2. The Nominations Committee will serve from January to June to nominate Council officers.
3. The committee shall transmit its nominations to each member of the Council not less than 10 days prior to the last meeting of the fiscal year. Nominations may be made from the floor.
4. The Nominations Committee may not nominate any of its members for any office, although a Nominations Committee member may be nominated from the floor.

B. Elections

1. Election of officers shall be held as soon as practical at the first meeting after the first day of July of every year. If no candidate for office obtains the concurrence of a quorum, a run-off between the top two candidates shall be held immediately following the vote count.
2. The term of office shall be one (1) year, commencing immediately after the completion of the election until the election of new officers.

Section IV - Resignations

Any officer may resign by filing written resignation with the Executive Committee.

Section V - Recall

The Chairperson, Vice Chairperson for Administration, Vice Chairperson for Programs, and/or Treasurer shall be considered for recall from office upon written petition of twenty-five percent (25%) of the voting members. Consideration of this petition will be placed on the agenda of the next regular meeting. Recall requires a concurrence of a quorum. Grounds for recall may include, but are not limited to, excessive absences, non-participation or malfeasance in Council duties.

Section VI - Vacancies

Upon a vacancy of an officer position before December first, of the year in which he or she took office, nominations shall be accepted at the meeting in which the vacancy is announced,

and the Executive Committee shall oversee the election process. A vote shall be taken at the next regular meeting and the election shall proceed as under Section III B.

If the office of Chairperson is vacated after December first then the Vice-Chairperson for Administration shall become the Chairperson. If the position of Vice-Chairperson for Administration becomes vacant after December first, the Vice-Chairperson for Programs becomes the Vice-Chairperson for Administration. If the position of Vice-Chairperson for Programs becomes vacant after December first, a new Vice-Chairperson for Programs shall be elected by majority vote at the following regular meeting. If the position of Treasurer becomes vacant after December first a new Treasurer shall be elected by a majority vote at the following regular meeting.

ARTICLE VII – COMMITTEES

W&IC §18982.2 Functions of a council shall include, but not be limited to, the following:

- (a) To provide a forum for interagency cooperation and coordination in the prevention, detection, treatment, and legal processing of child abuse cases.
- (b) To promote public awareness of the abuse and neglect of children and the resources available for intervention and treatment.
- (c) To encourage and facilitate training of professionals in the detection, treatment, and prevention of child abuse and neglect.
- (d) To recommend improvements in services to families and victims.
- (e) To encourage and facilitate community support for child abuse and neglect programs.

These functions may be performed by either an operational or program committee or any combination thereof.

Section I – Operational Committees

A. Executive Committee

1. There shall be an Executive Committee, consisting of the Chairperson, Vice-Chairperson for Administration, Vice-Chairperson for Programs, Treasurer, and a designated representative from each committee and task force. Members can represent more than one committee.
2. The purpose of the Executive Committee shall be to advise and assist the membership in attaining the purposes and objectives of the Council.
3. The Executive Committee may perform routine administrative duties necessary for the efficient operations of the Council as a whole.

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B. Allocations Committee

1. Responsibilities:

- To recommended funding priorities to the Child Abuse Prevention Council for Council approval.
- In collaboration with the Social Services Agency (SSA), to develop the criteria by which qualified agencies are selected for funding pursuant to state law.
- To make recommendations to the Board of Supervisors regarding the selection of qualified agencies for funding. The Board of Supervisors makes the final funding decision in its sole and absolute discretion.
- To hire, in accordance with County procurement procedures, and oversee the activities of Contractors deemed necessary by the Allocations Committee, and report on these activities to the Executive Committee.
- To monitor contract compliance and performance by qualified agencies selected for funding by the Board of Supervisors in collaboration with SSA.
- To conduct annual evaluations of funded agencies in collaboration with SSA.

2. Members of the Allocations Committee must be conflict free and may not be affiliated with any agency or organization having any current or projected financial interest, either direct or indirect, in the actions taken by the Allocations Committee.

“Financial Interest” is defined as a reasonable expectation that funding decisions recommended by the actions of the Allocations Committee could result in funds being awarded directly to the member’s agency or indirectly to the member’s agency through its affiliation with another organization that may receive funding as a result of an Allocations Committee recommendation. This membership requirement is intended to avoid real or perceived conflicts of interest in any Allocations Committee matter. If a question arises regarding whether a member has an affiliation with a particular agency, the issue will be resolved by County Counsel. This requirement is in addition to and not in lieu of state and local conflict of interest laws.

3. Upon recommendation by the Council’s Executive Committee, the Council will appoint the Allocations Committee Chairperson.

- The Allocations Committee Chairperson is responsible for keeping the Executive Committee of the Council informed about the activities of the Allocations Committee.
- The Allocations Chairperson must be free from any conflicts of interest.

- In collaboration with SSA, the Allocations Committee Chairperson is responsible for establishing a process for reviewing proposals and determining the qualified agencies to be recommended by the Allocations Committee for funding pursuant to state law. SSA has the administrative responsibility to implement and execute the proposal review process established by the Allocations Chairperson in collaboration with SSA.
4. Contractors hired by the Council and the County's Contracts Administrator are not members of the Allocations Committee, but they do assist them in their work to help ensure that all fiduciary and other responsibilities are being met per County and state requirements.

C. Membership Committee

1. To recruit and orient new Council Members.
2. To review applications for Voting, Community Advisory and Emeritus membership to the Council.
3. To recommend to the Council candidates for community advisory membership on the Council and candidates for recommendation to the Board of Supervisors for appointment as voting members of the Council.
4. To develop the policies and procedures concerning the application process and the roles and responsibilities of members.
5. To monitor member participation and make recommendations for termination of membership.

D. Nominations Committee

To perform the functions as outlined under Article VI, Section III, Sub Section A, Nominations.

Section II – Program Committees

- A. Any member may suggest the creation of a program committee when it appears necessary, and such a committee is established upon concurrence of a quorum of the Council.
- B. Program committees shall be defined as being on-going and having a specific purpose. This purpose may include core activities of the Council as required by W&IC §18982.2. Program Committees may be subject to the Brown Act.
- C. Any program committee may be disbanded upon a majority vote of the Council.

Section III -Task Forces

- A. Any member may suggest the creation of a task force when it seems appropriate.
- B. A task force is defined as a time-limited group with a designated purpose and expiration date.
- C. A task force is established by a concurrence of a quorum of the Council.
- D. A task force may be approved as a standing or operational committee by a concurrence of a quorum of the Council and may be subject to the Brown Act.
- E. Any task force may be disbanded upon a concurrence of a quorum of the Council, and will automatically be terminated upon expiration of the time set for the task force.

ARTICLE VIII - AMENDMENTS

Proposed amendments to these Bylaws may be recommended by concurrence of a quorum of the Council. This vote shall occur at any regular or called meeting. Written notice of the proposed amendment will be submitted to each Council member seven (7) days prior to the meeting. Following approval as to form and legality by County Counsel, the proposed amendment shall be forwarded to the Board of Supervisors for approval.

Approved as to form and legality:



CARA SANDBERG
Deputy County Counsel

Bylaws, Santa Clara County Child Abuse Prevention Council
Approved by the Board of Supervisors on October 17, 2017.

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