

By-Laws
Of the Child Abuse Prevention Council of San Benito County

ARTICLE I

- 1.1 Name. The name of this organization shall be The Child Abuse Prevention Council of San Benito County (CAPC).
- 1.2 Establishment. The Child Abuse Prevention Council of San Benito County has been established by the County Board of Supervisors by adopting county resolution 2005-30 of Ordinance # 782 under the authority of the Welfare and Institutions Code #18980, Chapter 12.5, Child Abuse Prevention Coordinating Council Act, whose primary purpose is to Coordinate the community efforts to prevent and respond to Child Abuse.
- 1.3 Purpose: The purpose of the Child Abuse Prevention Council of San Benito County is to coordinate the community's efforts to prevent and respond to child abuse in San Benito County.

ARTICLE II
Board Membership

- 2.1 Members. The CAPC shall consist of no more than 20 members. Membership shall consist of representatives from the following:
- a. The county welfare or children's services
 - b. The probation department
 - c. Licensing agencies
 - d. Law enforcement
 - e. The office of the district attorney
 - f. The courts
 - g. The coroner
 - h. Medical and mental health services
 - i. Community-based social services
 - j. Public and private schools
 - k. Community volunteers
 - l. Civic organizations
 - m. The religious community

New CAPC members will be elected or appointed to the CAPC by the current sitting CAPC.

- 2.2 Official Year. The CAPC shall be organized and operate on an annual fiscal year, starting on the first regular business day of July and ending on the last day of June.
- 2.3 Term of Appointment: Each CAPC Member shall hold office for three years commencing on the first regular business day of the official year as defined in ss2.2 and shall continue to discharge the duties of the office until his or her successor has qualified. A new appointee shall not be a CAPC Member until, following appointment he or she executes all documents of appointment required by the CAPC.
- 2.4 Vacancies: A vacancy on the Council shall occur automatically on the happening of any of the following events before the expiration of the appointed term:
- a) Resignation. Effective on the date of a member's written or oral notice of resignation, delivered to CAPC Council.
 - b) Removal. Effective on the date of a member's removal from the council pursuant to ss2.6 below.
 - c) Member's death.
 - d) Ceasing to meet any of the criteria for membership as specified in section 2.1

The Nominating Committee shall make interim appointments to fill unexpired terms in the event of vacancies occurring during the term of a member of the CAPC.

- 2.5 Appointment of Member Representatives: Recommendations of member representatives to the CAPC shall be made in a manner consistent with the Ordinance. Four months prior to the expiration of the term of a member the CAPC shall appoint a Nominating Committee. The Nominating Committee shall notify local news media, both print and electronic, and any community agencies, organizations or other individuals who represent the target categories in section 2.1 of the council vacancy and eligibility requirements and request their assistance in informing the public that nominations are being received.

Not less than 2 months/days prior to the terms expiring, the Council shall mail a notice to each person who is eligible for reappointment requesting information on his /her interest in continuing to serve. If an individual is not eligible for reappointment, he/she will be notified in writing.

Not less than 2 months/days prior to the date of vacancy, the Nominating Committee shall send a list of all nominations including requests for reappointment to the CAPC for consideration.

2.6 Removal: The CAPC by an affirmative vote of the majority of the members constituting the CAPC, may recommend the removal of a CAPC Member for any of the following reasons:

- a) The member has been neglectful in his/her duties including, but not limited to, failure to attend three meetings within a fiscal year, unless absences are excused by a majority of the CAPC Members present at the meeting missed.

Article III Authority and Responsibilities

3.1 Authority: The Child Abuse Prevention Council may undertake all actions and perform all functions authorized by Statute or County Ordinance, or otherwise permitted by law. Subject to Statute, the County Ordinance, and any other applicable laws, the business and affairs of the Child Abuse Prevention Council shall be managed by the CAPC.

3.2 Responsibilities: Pursuant to Welfare and Institutions Code, Chapter 12.5 §18982.2, the functions of the CAPC 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 improvement in Services to families and victims.
- e) To encourage and facilitate community support for child abuse and neglect programs.
- f) The Child Abuse Prevention Council of San Benito shall be designated by the County Board of Supervisors to receive County Children's Trust Fund.
- g) To recommend utilization of public funds (including donations) made available to the Child Abuse Prevention Council of San Benito and to advise the County Board of Supervisors on the selection of abuse and neglect, prevention and intervention projects, programs, services and special studies funded through AB 2994 Children's Trust Fund monies.

- h) The Child Abuse Prevention Council of San Benito shall collect and publish data in regards to County Children's Trust Funds on:
- 1) Types of programs and services funded and the population benefiting from these programs.
 - 2) The amount in the County Children's Trust Fund as of 6/30 of each fiscal year and the amount disbursed in the preceding fiscal year. The Child Abuse Prevention Council shall coordinate with the Family Resource Center.

3.3 Interaction with Statute and Ordinance: To the extent these Bylaws are in any manner inconsistent with Statute and/or Ordinance, the Statute and/or Ordinance shall govern.

Article IV Officers

- 4.1 Officers: The officers of the CAPC shall be a Chair, Vice-Chair, and a Secretary.
- 4.2 Election of Officers: The CAPC shall elect officers from among its members in the first month of its annual term as set forth in §2.2. Each officer shall have the authority to perform duties consistent with Statute and Ordinance as set forth in these Bylaws. Each officer shall serve for a term of one year or until his or her successor is selected. Officers shall not be subject to term limits so long as they are CAPC members.
- 4.3 Removal of Officers: Any officer may be removed without cause at any CAPC meeting by the vote of a majority of the members constituting a quorum of the CAPC acting upon a properly noticed motion. An Officer shall immediately be removed if he/she ceases to be a member of the CAPC.
- 4.4 Chair: The Chair shall preside at meetings of the CAPC, shall sign all contracts approved by the CAPC, and shall have such other powers and perform such other duties as may be prescribed from time to time by the CAPC.
- 4.5 Vice-Chair: In the absence of the Chair, the Vice-Chair shall perform all duties of the Chair, and when so acting shall have all the powers of, and be subject to all the restrictions upon the Chair. The Vice-Chair shall have such other powers and perform such other duties as may be prescribed from time to time by the CAPC.
- 4.6 Secretary: The Secretary shall keep or cause to be kept a book of written minutes for and/or auditors and/or video recordings of all meetings and actions of the CAPC and its committees. The Secretary shall give, or cause to be given, notice of all meetings of the CAPC required by law and shall have such other powers and perform such other duties as may be prescribed from time to time by the CAPC.

Article V
Board Meeting Procedures

- 5.1 Brown Act: The meetings, meeting notices, agendas and procedures of the Council shall comply with the Ralph M. Brown Act ("the Brown Act") (Government Code §54950, et seq.) In the event of any inconsistency between these Bylaws and the Brown Act, the Brown Act shall govern.
- 5.2 Robert's Rules: All meetings of the Board and its committees shall be conducted according to Robert's Rules of Order, 1999 Webster's New World edition, ISBN: 0-02-862749-0.
- 5.3 Meetings: Regular meetings of the CAPC shall be held on such days as the CAPC may determine from time to time, and shall be held at locations to be agreed upon by a majority of the CAPC Members. Special meetings of the CAPC may be called by the Chair or by a majority of the members constituting the CAPC, and may be held at any place within the County at a time that has been designated in the notice of the meeting. The CAPC shall meet no less than quarterly each year.
- 5.4 Open Meetings: Except as provided in §5.5, meetings of the CAPC shall be opened to the public. Public participation in meetings shall be allowed as follows:
- a) The public shall be provided with an opportunity to address the CAPC regarding any item on the public meeting agenda that is of interest to the public before action is taken. Notwithstanding the foregoing, the failure of the CAPC to provide an opportunity for such public participation shall not invalidate any action taken or any resolution adopted by the CAPC except to the extent of the law.
 - b) Each agenda shall provide an opportunity at each regular meeting for oral communication by members of the public on items not included in the agenda that are within the subject matter jurisdiction of the CAPC.
 - c) The Chair may establish reasonable limits on the amount of time allotted to each speaker on a particular item, and may establish reasonable limits on the total time allotted for oral communication referred to in subsection (b) above. When further discussion is required, the CAPC may vote to extend the time for comment during the meeting or continue the hearing to a subsequent meeting.
- 5.5 Closed Sessions: The CAPC and its committees may meet in closed sessions to the extent permitted by the Brown Act and other applicable law.

- 5.6 Adjournment: A majority of the CAPC Members present, whether or not constituting a quorum for the transaction of business, may adjourn or continue any meeting to another time and place.
- 5.7 Quorum: A majority of the members constituting the CAPC shall constitute a quorum for the transaction of business. A meeting at which a quorum is initially present may continue to transact business notwithstanding the withdrawal of members and as long as any action taken meets the requirements of §5.9 (a) below.
- 5.8 Notice of Adjournment: Notice of the time and place of a continued meeting shall be given if the meeting is adjourned for more than twenty-four hours.
- 5.9 Voting:
- (a) Actions: All official acts of the CAPC that are on the meeting agenda shall be made according to the Brown Act and Robert's Rules of Order and require the affirmative vote of a majority of the members present at a meeting at which a quorum is present. The required vote shall exclude the vote of any member recused from voting on the matter pursuant to Article VII. All official acts of the Child Abuse Prevention Council shall be made by resolution or motion, duly made, seconded and adopted by vote as provided above.
 - (b) Absentee Voting: Absent CAPC members may not vote, whether by proxy, teleconference, or written ballot, unless such means of voting is necessary to reasonably accommodate the CAPC member under the Americans with Disabilities Act or any other applicable law
- 5.10 Minutes: The minutes shall be an accurate summary of the CAPC's consideration of each item in the agenda and an accurate record of each action taken by the CAPC. Once approved by the CAPC, the Secretary shall sign the minutes and keep them with the proceedings of the CAPC.

Article VI Committees and Procedures

- 6.1 Committees: The CAPC shall establish such committees as it deems necessary and as allowed by Welfare & Institutions Code §18980 et seq. These committees may be standing or ad hoc and shall consist of at least one CAPC member. The function and membership of each committee shall be determined by resolution or motion of the CAPC, and committee members shall serve at the pleasure of the CAPC. All committees shall be advisory only and shall not have the authority to act on behalf of the full CAPC unless expressly so authorized.
- 6.2 Committee Meetings: All meetings and procedures of the CAPC's standing committees shall be in conformity with the Brown Act and other applicable laws.

Subject to such provisions meetings of any committee shall be held at such times and places as are determined by the CAPC or by the committee. The Chair shall be an ex officio member of each such committee, regardless of any express appointment.

- 6.3 Committee Minutes: The chair of each committee or his/her designee shall prepare the minutes of each meeting of such committee. The minutes shall be an accurate summary of the committee's consideration of each item on the agenda and an accurate record of each action recommended by the committee. Once approved by the committee, copies of the minutes shall be forwarded to committee members, CAPC members not on the committee, to the Chair of the CAPC, and to the CAPC Director/Manager.
- 6.4 Reimbursement of Expenses: CAPC and committee members shall not receive compensation for their services as such.

Article VII Conflict of interest

- 7.1 Conflict of Interest Code: The Child Abuse Prevention Council shall adopt and promulgate, and thereafter amend, a Conflict of Interest Code pursuant to California Government Code §87300 et seq. and these Bylaws.

Article VIII Public Records

- 8.1 Public Records: All documents and records of the Child Abuse Prevention Council shall be public records under the California Public Records Act (California Government Code §6250 et seq.).
- 8.2 Inspection: Records are open to inspection as per California Government Code §6250 et seq.

Article IX Execution of Documents

- 9.1 Contracts and Instruments: Subject to applicable laws, the Child Abuse Prevention Council may authorize any officers, agents, or employee to enter into or execute any contract or instrument in the name of and on behalf of CAPC. The authority given may be general or limited to specific instances. Unless authorized or ratified by the Child Abuse Prevention Council, no officer agent or employee shall have the power or authority to bind CAPC and third parties other than the County shall contain express provisions advising the Contractor that the Child Abuse Prevention Council is a government entity separate and distinct from the County and that the agreement does not bind the County, and also to the extent

appropriate, requiring an express indemnity to the Child Abuse Prevention Council and adequate levels of insurance naming the CAPC as an additional insured. All contractual expenditure commitments must be within the CAPC's approved budget authority as provided in the Ordinance.

- 9.2 Checks, Drafts and Evidence of Indebtedness: All checks, drafts and other orders for payment of money on behalf of or to the Child Abuse Prevention Council shall be signed and/or endorsed only by persons expressly authorized by the Council to do so.
- 9.3 Deposits: All funds of the Child Abuse Prevention Council shall be deposited for benefit of and in the name of the Child Abuse Prevention Council in such banks, trust companies, and other depositories as the CAPC may designate from time to time; provided that the County (acting through the Director, the Department of Social Services), may by agreement act as custodian of the CAPC funds.

Article X Executive Director/Manager

- 10.1 The CAPC may appoint or hire an Executive Director/Manager who will serve as the Child Abuse Prevention Council's direct executive representative in managing its affairs and activities. The Executive/Manager shall serve at the pleasure of the CAPC, subject to the terms of any employment contract, implied or express, between the Executive Director and the CAPC.

Article XI Amendment of Bylaws

- 11.1 Proposed amendments to the Bylaws shall be presented in writing to the CAPC. They will be tabled and reviewed for a minimum of fifteen days before being voted on by the members constituting the CAPC. No Bylaws can be amended except by a two-thirds majority of the members constituting the CAPC.