

March 7 2008

**Domestic Violence Council of Santa Clara County
By-Laws**

Article 1 – Name

- A. **NAME:** The name of this organization shall be the Santa Clara County Domestic Violence Council, hereinafter known as the “Council.”
- B. **GOVERNANCE:** The Council is organized under the Santa Clara County Board of Supervisors and governed by the County Charter and County Ordinance.

Article II – Establishment and Purpose

The purpose of the Council *shall be to advise the Board of Supervisors on matters that help assure (1) safety and restoration for victims of domestic violence, (2) cessation of the violence and (3) accountability for batterers. In order to accomplish these purposes, the Council shall:*

- (a) Improve coordination among agencies, departments, the courts, and members of the community in matters of family violence and abuse.
- (b) Promote effective prevention, intervention and treatment techniques, which will be developed based upon research and data collection.
- (c) Improve the response to domestic violence and abuse so as to reduce incidents thereof.
- (d) Educate the public about the need to end domestic violence.

Article III – Powers and Duties

The following shall be the duties of the Council:

- (a) Examine ways in which agencies, departments and the courts in Santa Clara County respond to domestic violence and abuse in order to improve that response.
- (b) Improve the cooperation and coordination among all the participants in the justice system who deal with domestic violence and abuse.
- (c) Make recommendations to the Board of Supervisors, agencies, departments, the courts and others regarding improving the response to domestic violence and abuse.
- (d) Examine and review legislation that relates to domestic violence and abuse and recommend appropriate action to the Board of Supervisors’ Legislative Committee.
- (e) To encourage and promote public awareness and education about domestic violence and abuse through such means as conferences and other public meetings.
- (f) Review and address local, state and federal reports relating to domestic violence and abuse and recommend changes in policy and procedures as appropriate.
- (g) Form task forces or sub-committees to assist in planning, policy, goal and priority recommendations, and such other functions as the Council deems necessary.
- (h) To make studies in the areas of domestic violence that, in the judgment of the Council, will aid in effectuating its general purposes.
- (i) Respond to related matters referred to the Council by the Board of Supervisors.

- (j) Subject to the approval of the County Executive, to request the Executive Secretary to take any action for the purpose of furthering the objectives in this article by requesting information, funding, services, facilities and other assistance from County departments.
- (k) With the approval of the Board of Supervisors, participate in and undertake projects, meet the goals and objectives of such projects, and address all elements and fulfill all requirements of agencies funding such projects.

Annual report. The Council shall report to the Board of Supervisors through the Public Safety and Justice Committee on its progress each year as required and shall indicate what it proposes to accomplish for the following year. Should the Council conclude that there is no further work for the Council, it shall report to the Board and request that the Council be disbanded.

ARTICLE IV -Membership

A. REPRESENTATIVES:

The membership of the Council shall consist of 22 members by July 1, 2010, appointed by the Board of Supervisors. To facilitate the change in membership the Council shall initially be composed of all commission members currently serving a term and the following nine vacant seats will be eliminated immediately: WATCH Program, Legal Aid, Criminal Defense Bar, State Legislature, Faith Community, Public at large, Elder Abuse, Commission on the Status of Women, and Research Specialization. As the appointed terms expire or are vacated their seats shall be eliminated until the Domestic Violence Council consists of twenty two (22) members.

Members shall be policy-making level representatives of the following:

1. Three (3) representatives shall be from battered women's shelters.
2. Two (2) Judges from the Superior Court, one from the Family Court and the other from the Criminal Court.
3. One (1) representative shall be from each of the following public safety and human services organizations or interest areas: Police Chiefs Association, San Jose Police Department, Sheriff's Office, District Attorney's Office, Batterer's Treatment Program, Pretrial Services, Santa Clara County or Silicon Valley Bar Association, the Public Defender's Office, Victim Witness Assistance, Social Services Agency, Probation Department, , the Gay, Lesbian, Bisexual and Transgender Community, Former Victim of Domestic Violence, Medical Community, the Faith Community, Children's Issues and Immigrant Voices.

B. TERMS AND OATH OF OFFICE: The term of office of each member shall be three (3) years. No member shall be eligible to serve on the Council for more than three (3) consecutive terms in addition to any portion of any unexpired term that may be served. The term of office commences on July 1 and ends June 30. 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.

C. APPOINTMENT TO COUNCIL: Members of the Council are appointed by the Santa Clara County Board of Supervisors, and must be residents of the County. All vacancies shall be reported to the Board of Supervisors. The Council shall make recommendations for membership to the Board of Supervisors.

D. CHANGE OF STATUS: Members who change their employment have thirty (30) days from the termination of employment to inform the Clerk of the Board and the Membership Vice Chair in writing of their change of status. The Membership Vice-Chair will review their membership role on the Council to ensure the categorical continuity on the Council in accordance with the By-Laws. If they do not, The Council member will be asked to resign his/her position.

E. RIGHTS OF MEMBERS: Members of the Council shall be entitled to receive agendas, minutes, and all other materials related to the Council, shall vote at meetings of the Council, may hold office and may serve as Chairperson of the Council.

F. RESPONSIBILITIES OF MEMBERSHIP: Members of the Council shall:

1. have an interest in and commitment to the mission and goals of the Council;
2. demonstrate a knowledge of domestic violence prevention and intervention; services in Santa Clara County and an interest in and commitment to improvement of those services;
3. attend Council meetings;
4. either personally, or through an approved designee, be active on at least one Council Committee;
5. attend the annual Council conference and retreat;
6. serve as a conduit for information to and from the constituency the Council member represents;
7. be prepared to appear on behalf of the Council at public events;
8. be prepared to mentor new members of the Council.

G. RESIGNATION: A resignation from a Council member shall be in writing and filed with the Clerk of the Board of Supervisors and the Membership Vice Chair.

Article V – Meetings and Quorum

- A. **OPEN AND PUBLIC:** All meetings of the Council shall be open and public, with the minutes recorded and agenda posted. Interested persons shall be permitted to attend meetings. Time shall be set aside for limited public comment on items not on the posted agenda.

- B. **NOTICE:** Written notice of each regular meeting of the Council, specifying the time, place and agenda items, shall be sent to each member not less than seven (7) days before the meeting. Further, the agenda shall be posted in public notice area in accordance with the Brown Act no less than seventy-two (72) hours prior to the meeting.
- C. **REGULAR MEETINGS:** The Council meeting shall be held on a regular schedule as established in advance by the Council. There will be eight regular scheduled business meetings per year.
- D. **CONDUCT OF MEETING:** The meetings of the Council shall be conducted in accordance with Roberts Rules of Order.
- E. **QUORUM:** A quorum is necessary to conduct business and to take action. A quorum shall be constituted by the presence of a majority of the membership. A majority vote of the entire membership is required to take any action. All voting must be in person at an appropriately noticed meeting.

Article VI- Officers

- A. **DEFINITION:** The officers shall consist of a Chairperson, an Administrative Vice-Chairperson, and a Membership Vice-Chairperson. All officers shall be elected from the voting membership of the Council by a majority vote. Terms shall be for one year, commencing on July 1 and ending the following June 30.
- B. **POWERS AND DUTIES OF THE CHAIRPERSON:** The Chairperson shall a) preside at all meetings of the Council, b) plan and carry out the agenda for Council meetings, c) facilitate the purposes of the Council by having powers and duties as may be prescribed from the time to time by majority vote of the membership, d) chair the Executive Committee, e) shall ensure that a Chair of each committee or task force is selected, f) To communicate with the Board of Supervisors on behalf of the Council, g) To facilitate and organize the Annual Retreat in December, h) Ensure that the annual accomplishment/progress report is submitted to the Board of Supervisors and i) may delegate a reasonable portion of his or her duties to the Vice-Chair.
- C. **POWERS AND DUTIES OF THE ADMINISTRATIVE VICE-CHAIRPERSON:** The Administrative Vice-Chair shall a) assist the Chair in his or her duties as requested, b) perform the duties of Chair in the event of the absence, inability to perform duties, or resignation of the Chair, c) to function as an Executive Committee member, and d) to assume the financial oversight of the Domestic Violence Council, including review and approval of invoices submitted to the Fiscal Agent.
- D. **POWERS AND DUTIES OF THE MEMBERSHIP VICE-CHAIRPERSON:** The Membership Vice-Chair shall a) keep an updated Council and committees membership lists, b) provide annual orientations and assign mentors for each new member, c) make recommendations to Board of Supervisors' aids in charge of boards and commissions to fill vacant seats with new members, d) advise members of term expirations and

procedures for reappointment and resignations, e) perform the duties of Chairperson in the absence of both the Chairperson and the Administrative Vice-Chairperson, f) to function as a member of the Executive Committee, and g) to communicate with committee chairpersons to ensure the committees are discharging their responsibilities

- E. **NOMINATION OF OFFICERS:** In March of each year, the Council shall nominate a slate of at least three (3) Council members to serve as a Nominating Committee. The Nomination Committee shall contact proposed nominees to determine their willingness to run for office, and nominate additional candidates if necessary to complete a ballot of nominees for each office. The Nominations Committee shall transmit its nominations to the Clerk of the Board so that the proposed slate of officers can be presented in the June meeting of the Council and voted on in the first Domestic Violence Council meeting of the new fiscal year. At the time the slate of officers is presented to the Council, the Chairperson of the Council will call for any additional nomination from the floor. A nomination does not need to be seconded; it is simply accepted by the Chair. All nominations must have the permission of the person nominated.
- F. **ELECTION OF OFFICERS:** Elections of officers shall be held in the first Council meeting of the new fiscal year. If no candidate for office obtains fifty one percent (51%) of the vote, a run-off between the top two candidates shall be held immediately following the vote count. The term of office shall be one (1) year, commencing July 1 of each year, and each officer shall be limited to serving two consecutive terms.
- G. **RESIGNATIONS:** Any officer may resign by filing a written resignation with the Clerk of the Board with a courtesy copy to the Membership Vice Chairperson.
- H. **RECALL:** Any officer shall be considered for recall from office upon written petition of twenty-five (25%) of the Council members. Consideration of this petition will be placed on the agenda for the next Council meeting. Recall requires a fifty-one (51%) vote of Council members by silent ballot.
- I. **VACANCIES:** Upon a vacancy in any office the Council, nomination shall be accepted at the meeting in which the vacancy is announced. A list of nominees shall be mailed at least seven days prior to the vote, which shall occur at the next regularly scheduled meeting of the Council.

Article VII – Committees

A. **CREATING AND DISBANDING SUB-COMMITTEES:** The Council will have committees whose purposes are to assist in planning, policy, goal and priority recommendations, and other such functions as the Council deems necessary.

- 1. Any member of the Council can suggest the creation of a sub-committee or task force when it appears necessary, and such sub-committee or task force may be established upon a majority approval of the Council.

2. Standing Sub-Committees shall be defined as on-going sub-committees and Task Forces shall be defined as time-limited committees with designated purposes.
3. Each sub-committee or task force shall elect its own chair from among its members. The Council Chair will be asked to affirm the sub-committee's selection and may appoint a chair pro tempore to head the committee or task force pending selection of a chair.
4. Any sub-committee or task force may be disbanded upon affirmative majority vote of the Council.

B. RESPONSIBILITIES OF STANDING SUB-COMMITTEE CHAIR: The Chairs of each Council sub-committee shall be responsible for the following activities:

1. Submit agendas of all sub-committee meetings to the Clerk of the Board of Supervisors **(7) seven working days** before the scheduled meeting
2. Either orally or in writing, report on the sub-committee's activities at the next Council meeting
3. Ensure that the sub-committee prepares an annual work plan
4. Maintain the sub-committee roster and inform the Clerk of the Board and Membership Vice Chair of the Council of any changes in sub-committee membership, or changes in meeting dates, times or locations.
5. Attend Executive Committee meetings

C. RESPONSIBILITIES OF SUB-COMMITTEE MEMBERS: Members of the sub-committees of the Council shall:

1. Attend all sub-committee meetings
2. Participate in sub-committee activities
3. Support the vision, mission, values and goals of the Council and the sub-committee

D. EXECUTIVE COMMITTEE: There shall be an Executive Committee of the Council.

1. Membership of the Executive Committee shall consist of the Chair, Vice Chairs, the chair of each of the standing sub-committees of the Council, the chair of Death Review, and other members may be added as needed by a majority vote of the Executive Committee members.
2. The purpose of the Committee is to provide leadership for the operations of the Council. The Executive Committee addresses organizational, development and political issues and brings them to the attention of the Council for consideration.

Article VIII - Amendments

- A. BY VOTE:** These By-Laws may be amended by a majority vote of the entire membership of the Council at any meeting.
- B. NOTICE:** Written notice of the amendment shall be submitted to each Council member seven (7) days prior to the meeting.
- C. APPROVAL:** Each amendment proposed and passed by the Council shall be submitted for approval to the Board of Supervisors.

APPROVED AS TO FORM AND LEGALITY:

Kristin Baker Wong, Deputy County Counsel

Date