

EL DORADO COUNTY COMMUNITY ACTION COUNCIL

BY-LAWS

(Revised September 1984)

The name of this non-profit corporation shall be the El Dorado County Community Action Council, Incorporated. It shall act as the Official Community Action Board for El Dorado County in conformance with standards and regulations set forth by the Community Services Act. The purpose and functions of the organizations shall include the following:

1. To develop, conduct and administer programs as established provisions of the Community Services Act, and other appropriate governmental regulations;
2. To identify and diagnose areas of poverty in this County;
3. To develop a comprehensive plan to combat and prevent poverty in this County;
4. To encourage, stimulate and assist in the development of anti-poverty action projects by public agencies, non-profit voluntary organizations or indigenous poverty groups;
5. To review and coordinate anti-poverty proposals and process those approved through channels to the funding source; and
6. To effect sound relationships between local community action programs and activities administered under other provisions of the Act, as well as programs resulting from other legislation consistent with the aims of the Act.

ARTICLE I

SECTION 1

GENERAL MEMBERSHIP

The term "members" in these By-Laws will include both representatives and alternates unless the contrary is specifically indicated. The representative is the principal one, and the alternate shall only vote in the absence of the representative. Although alternates shall be encouraged to attend all meetings and to participate in orientation and special training sessions, it shall be the responsibility of each principal member to notify and encourage alternate attendance in the event of the representative's absence.

All duly authorized members of the Council shall have privileges, duties and rights of this office as described and subject to the restrictions and provisions of the Economic Opportunity Act and these By-Laws, and shall serve as members of the Board of Directors. Council members shall actively participate in resolving poverty problems in El Dorado County. They shall be responsible for reporting back to their constituency, as well as informing the Council regarding problems and activities in their areas.

The total membership of the Board shall be fifteen (15) which comes within the provisions of Chapter 45 of the Code of Federal Regulations 1062.00, herein after referred to as 45 CFR 1062.00. Criteria for representation on the Council shall be as follows:

1. Elected public officials, or their representatives, shall comprise one-third (5) of the Council;
2. Persons chosen to represent the poor shall comprise at least one-third (5) of the Council; and
3. Representatives of business, labor, religion, industry, welfare or other private groups and interests shall comprise the remainder of the Council (5).

SECTION 2
COMPOSITION OF THE COUNCIL

A. Public Officials:

The Board of Supervisors of El Dorado County, the City Council of South Lake Tahoe and the City Council of Placerville, as designated officials, shall select the elected public officials to serve on the Community Action Board. The Board of Supervisors shall select three (3) officials and the City Councils shall each select one (1) official.

In the event that there are not enough elected public officials reasonably available and willing to serve on the Council, the designating officials may select appointed public officials to serve on the Council.

Both the elected and the appointed public officials selected to serve shall have either general governmental responsibilities or responsibilities which require them to deal with poverty-related issues. They may not be officials with only limited, specialized or administrative responsibilities.

Each public official selected to serve on the Council may choose one (1) permanent representative to serve on the Council either full-time in his/her place or whenever he/she is unable to attend a meeting. These representatives need not be public officials themselves, but they shall have full authority to act for the public official whom they represent at meetings of the Council.

B. Representation of the Poor

Representatives of the poor shall be chosen in accordance with democratic selection procedures adequate to assure that they represent the poor in the area served by the Community Action Agency. They need not be poor themselves, but the selection procedure shall assure that they represent the poor.

Representatives of the poor are to be selected to represent those particular organizations designated by the Council whose membership is composed predominately of poor persons. Such organizations may include, but are not limited to, the following: Head Start Parent Policy Council, Youth Council, Women's Council's, Big Brothers and Sisters, Indian Councils, Day Care Centers, Senior Citizen Advisory Boards, and Green Thumb.

The alternate representative for the poor shall be selected at the same time and in the same manner as the principal representative is selected. This alternate shall have full authority to act for the principal representative in the absence of that representative.

C. Representation of Private Organizations

Private organizations shall be selected in such a manner as to assure that the Council will benefit from broad community involvement.

The Council shall draw representation not only from among private social service agencies, private educational institutions, constituencies of the poor concerned with special problems (i.e.- the disabled poor), and other private organizations within the community, but also from among business, industry, and labor organizations. Such private organizations may include, but are not limited to, the following: Chambers of Commerce, American Association of University Women, Builder's Exchange, Kiwanis, Lion's Clubs, Council of Churches, Outlook Business and Professional Women, American Association of Retired Persons, Voluntary Action Centers, and Human Service Agencies.

Once an organization is selected, it shall choose the person, and his/her alternate, to represent it on the Council. Each representative, and in his/her absence, the alternate, shall be empowered to speak and act on behalf of the organizations which he/she represents in connection with the Council's business.

ARTICLE II
SECTION 1
SELECTION OF MEMBERS

A. Public Officials:

Representation by public officials shall be determined annually prior to 1 March by the designating officials. Recall or reappointment of these members and their representatives shall be at the sole discretion of the designating officials.

B. Representation of the Poor:

To insure maximum feasible participation of the poor, the representation of the poor shall be broken up into two major geographic locations, one being the South Lake Tahoe Basin, the other the Western Slope. Upon recommendation by the Nominating Committee, the Council shall select in such a manner as to assure that the low income segments of the County are fairly represented geographically, organizations whose membership is predominately composed of poor persons.

One representative and one alternate representative shall be democratically selected by the low income members of each organization selected. The selection shall be made by ballot vote with one ballot being provided to each poor person eligible to vote. Such eligibility will be determined by self-declaration of poverty status. Ballots will be counted before and after the actual voting and they will be distributed individually in order to assure that each person may vote only once.

The Nominating Committee shall encourage each organization to make public the selection procedures via the local newspapers, radio stations, and through local outreach services, giving the date, time and place of the meetings at which representatives of the poor shall be selected and inviting all those persons eligible to participate.

Each representative of the poor that is selected to represent a specific geographical area must reside in the area of representation.

No election or selection for representation will be held on the Sabbath Day which is observed as a day of rest and worship in the area served.

C. Private Organizations:

Prior to 1 March each year, upon recommendations of the Nominating Committee, the Council shall consider the selection of organizations to represent private groups and interests. To the greatest extent possible, representation will be balanced, geographically, between private social service organizations and organizations representing business, industry and labor.

Priority in selection will be given to organizations demonstrating a commitment to advancing the purposes and activities of the Council; to organizations representing diverse views or a wide scope of labor, business or social service interests; and to finding social service, business or labor organizations whose constituency is not represented on the Council. At least one (1) representative will be chosen from the social services community, and at least one (1) from the business community. No private sector organization will be allowed to have more than one Council vote in order to assure a balanced representation. Rotation shall be employed among equally qualified groups to insure an equal opportunity for representation on the Council.

SECTION 2
PETITION FOR REPRESENTATION

Any private organization or any low income representative groups which feel themselves inadequately represented, may petition the Governing Board of this Agency for representation.

Each group seeking to petition the Council must have a membership of sufficient size to evidence substantial community support and shall have been in existence for a period of at least one (1) year.

If, after hearing said petition, the Governing Board determines that the petitioning group is inadequately represented, the Council shall approve said petition and before the next selection period, the Nominating Committee shall make recommendations for approval as to any necessary adjusting or realigning of Council composition to accommodate the petitioning group.

Whether the petition is approved or disapproved, a written statement shall be prepared which sets forth reasons supporting the action taken. A copy of this statement shall be promptly submitted to the petitioning group and the appropriate Community Services Administration Regional Office.

SECTION 3 REMOVAL FROM THE COUNCIL

A. Public Officials:

The Council may not remove any of the public officials from the Council, as this responsibility belongs to the designating officials. However, it will be the Council's responsibility to notify the designating officials of any failure of attendance of the members or their representatives.

B. Representatives of the Poor and Private Organizations:

The Council may remove representatives of the poor and representatives of private organizations for Cause. Cause for removal for these representatives shall be:

1. Failure of either member or alternate to attend three (3) consecutive general meetings without sufficient notification to the Secretary of the Council; or
2. Behavior deemed to be detrimental to the Council.

In the case of lack of membership attendance, the Secretary shall inform the Chair of the Nominating Committee when a member, or alternate, has missed two (2) consecutive general meetings and a letter shall be sent to both the member and his/her organization informing them that a third meeting so missed shall result in the automatic removal of that member and organization from the Council and that another organization shall be invited to fill the vacancy. Should the member or his/her alternate miss the third consecutive meeting, the member and organization shall be notified in writing, stating the grounds for such removal, including dates, times and places as may be applicable. The organization may petition for representation at a later date. At the following meeting, the Nominating Committee shall advise the Board to fill the vacancy according to standard procedure.

In the case of behavior deemed to be detrimental to the Council, written notification shall be made to the representative and his/her organization and to the Internal Affairs Committee, stating the grounds for such removal, including dates, times and places as may be applicable. The Internal Affairs Committee shall make recommendations to the Council as to the disposition of the matter. The representative shall be entitled to a hearing before the Council which determines the action to be taken.

SECTION 4 TERMS OF OFFICE

A. Public Officials:

Public officials serve on the Council until recalled by the designating officials or when a public official leaves office.

B. Representatives of the Poor:

The term of office for the representatives of the poor and the alternate representative shall be two (2) years. In the event a representative is unable to complete his/her term of office, the alternate shall complete the term.

C. Private Organizations:

The term of office for representatives and alternates of private organizations shall be for two (2) years dating from official recognition of their acceptance.

D. Limitations on Board Service:

Representatives of the poor and of private organizations may serve up to five (5) consecutive terms, but for no more than ten (10) years. After serving five (5) consecutive terms, a representative of the poor or private organization may not serve.

SECTION 5
VACANCIES

Vacancies shall occur when a member is removed for Cause, resigns, a public official removes a designated representative, or a public official leaves office. In those cases where an alternate may be appointed, the alternate shall be designated as a member at the next regular meeting. If there is no alternate, the vacancy shall be filled by the standard procedure for each sector: public, poor and private.

SECTION 6

No person may sit on the Council who is an officer or an employer of an organization contracting to perform a component of the Community Action Agency's work program.

ARTICLE III

SECTION 1
OFFICERS

The Officers of this Council shall be a Chair and Vice-Chair.

SECTION 2

All Officers shall be elected annually by a majority vote of Council members, representatives or alternates, present and voting at the regular meeting of the Council held in the month of April, to take effect in the month of May.

SECTION 3

In the event a vacancy occurs in any of the Offices of the Council, an election shall be held at the next succeeding regular meeting to fill the existing vacancy for the remainder of the term.

SECTION 4

The Chair shall preside over all meetings of the Council, and perform such additional duties as required by the Council.

SECTION 5

In the absence of the Chair, the Vice-Chair shall preside at meetings, and perform such additional duties as required by the Council.

ARTICLE IV

SECTION 1
MEETINGS

The Council must meet at least once every ten (10) weeks at the convenience of the Council members and the public within these time frames. Therefore, to accomplish this, the Council shall hold regular meetings on the fourth (4th) Wednesday of each month, except: months which are declared "dark" by the Council, and the November and December meetings which shall be combined into one meeting the second Wednesday in December.

Notice of at least ten (10) days will be published prior to the meeting. However, in case of a special meeting, the notification period may be set at five (5) days. At any regular meeting, the Agenda shall provide for any floor action for any persons to speak regarding the anti-poverty program or problems.

SECTION 2

Special meetings shall be called by the Chair upon written request of eight (8) Board members or by the Executive Committee.

SECTION 3

Notice for regular or special meetings shall specify the business to be transacted at the meeting in a reasonable detail. Only the Agenda items described in the notice shall be discussed and voted upon, except that a majority of all Council members may authorize other matters to be placed on the Agenda.

SECTION 4

A quorum of the Council shall be at least 50 percent of all non-vacant seats which make up the Council.

SECTION 5

Although allowances for the poor and reimbursements to some of the members of the Council are permitted, regular compensation for services while on the Council will not be permitted.

SECTION 6

Written minutes, including a record of all votes on all motions, shall be kept for each meeting and distributed to all Council members prior to the next regular meeting. Minutes shall also be made available for public inspection and translation shall be made where necessary.

SECTION 7

Compensation for meeting attendance shall be limited to authorized allowances and costs for the poor and reimbursements to all members of the Council for actual expenses, if necessary. Regular compensation to all members for their service on the Council is not permitted.

SECTION 8

Proxy voting is prohibited at meetings of the Council and its Committees.

ARTICLE V

SECTION 1

Ad Hoc Committees will be selected at the discretion of the Council.

ARTICLE VI

SECTION 1

EXECUTIVE DIRECTOR

The Director of Community Programs for El Dorado County shall serve as Executive Director of the El Dorado County Community Action Council. He shall serve as an ex-officio member, without vote, on the Council and all other Committees.

SECTION 2

The Executive Director shall be responsible to the Council for the conduct and administration of all approved programs.

SECTION 3

The Executive Director shall prepare an Annual Administrative Budget for the approval of the Council.

SECTION 4

The Executive Director shall employ and terminate persons in accordance with the terms set forth in the County Personnel Policies and Procedures Manual.

SECTION 5

It shall be the duty of the Executive Director to inform the staff and Council of all projects, proposals and pertinent matters.

SECTION 6

The Executive Director shall be responsible for assuring that written minutes of all meetings are kept; and that all minutes include a record of votes on all motions; and that minutes of all meetings are mailed prior to the next meeting; and that minutes shall be made available for inspection by the public where applicable. He shall be responsible for approving and/or making payments on all obligations which have been sanctioned by the Council, using guidelines as set forth in 45 CFR 1062.00.

ARTICLE VII

SECTION 1

CONFLICT OF INTEREST CLAUSE

Employees of the Council or its delegate agencies, members of the employee's immediate family and members of any Council or policy-making bodies of the Council of such delegate agencies are prohibited from accepting any gifts, monies and/or gratuities from the following:

1. Persons receiving benefits or services under any program financially assisted by CSA;

2. Any person or agency performing services under contract; and
3. Persons who are otherwise in a position to benefit from the actions of any employee or Council member.

SECTION 2

No person may sit on the Council who is an officer or an employee of an organization contracting to perform a component of the CAA work program funded by CSA. No employee of the CAA or of the CSA may serve on the Council, and no other Federal employee may serve on the Council in a capacity which will require him/her to act as an agent of or attorney for the CAA in its dealing with CSA or with any other Federal Agency.

ARTICLE VIII

SECTION 1

EXAMINATION OF PUBLIC RECORDS

All documents, as outlined in 45 CFR 1062.00, are hereby made available to any person for inspection and examination at any time during office hours at the principal office of said agency, being 937 Spring Street, Placerville, California 95667.

ARTICLE IX

DISBANDING

The property of this Corporation is irrevocably dedicated to charitable purposes and upon liquidation, the dissolution or abandonment of owner after providing for the debts and obligations thereof, the remaining assets will not inure to the benefit of any private person, but will be distributed to a non-profit fund, foundation, or corporation which is organized and operated exclusively for charitable purposes and which has established its tax exception status under Section 501(3)(3) of the Internal Revenue Code. All property and funds under Federal grant will revert back to grantor at the end of the program. All other property will go to groups with similar ideals and purposes.

ARTICLE X

AMENDMENTS TO THE BY-LAWS

An amendment to these BY-LAWS may be presented by a Council member for discussion at any regular meeting. The amendment shall then be presented in writing in the call to the next two (2) regular meetings where it shall require a vote equal to at least two-thirds (2/3) of the Council membership present and voting for approval.

ARTICLE XI

PROCEDURES

Procedures not otherwise covered in these BY-LAWS or in the Rules subsequently adopted by the Council shall be in accordance with Roberts Rules of Order.