

COUNCIL ON DOMESTIC VIOLENCE AND SEXUAL ASSAULT

BY-LAWS

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Article I: NAME

Sec. 1. Name. This Council is known as the Alaska Council on Domestic Violence and Sexual Assault, herein after referred to as the Council.

ARTICLE II: PURPOSE, POWERS AND DUTIES

Sec. 1. Purpose. The purpose of the Council is as set forth in AS 18.66.010 “to provide for planning and coordination of services to victims of domestic violence or sexual assault or to their families and to perpetrators of domestic violence and sexual assault and to provide for crisis intervention and prevention programs.”

Sec 2. Powers and Duties. According to AS 18.66.050, the Council shall:

- (a) hire an executive director and necessary staff;
- (b) elect one of its members as presiding officer;
- (c) In consultation with authorities in the field, develop, implement, maintain, and monitor domestic violence, sexual assault, and crisis intervention and prevention programs, including educational programs, films, and school curricula on the cause, prevention, and treatment of domestic violence and sexual assault.
- (d) coordinate services provided by the Department of Law, the Department of Education, the Department of Public Safety, the Department of Health and Social Services, and other state agencies and community groups dealing with domestic violence, sexual assault, and crisis intervention and prevention, and provide technical assistance as requested by those state agencies and community groups;
- (e) Develop and implement a standardized data collection system on domestic violence, sexual assault, and crisis intervention and prevention.

- (f) conduct public hearings and studies on issues related to violence, including domestic violence and sexual assault, and on issues relating to the role of crisis intervention and prevention;
 - (g) receive and dispense state and federal money and award grants and contracts from appropriations for the purpose to qualified local community entities for domestic violence, and sexual assault, and crisis intervention and prevention programs;
 - (h) oversee and audit domestic violence, sexual assault, and crisis intervention and prevention programs which receive money under this chapter;
 - (i) provide fiscal and technical assistance to plan, organize, implement and administer domestic violence, sexual assault, and crisis intervention and prevention programs;
 - (j) make an annual report to the governor and the legislature on the activities of the Council, plans of the Council for new services and programs, and concerns of the Council, including recommendations for legislation necessary to carry out the purposes of this chapter;
 - (k) adopt regulations in accordance with the Administrative Procedure Act (AS 44.62) to carry out the purposes of this chapter (enabling legislation, AS 18.66.010-900) and to protect the health, safety and well being, and privacy of persons receiving services financed with grants or contracts under this chapter;
- (l) Any other powers and duties conferred on it by federal law or by Executive Order.

Article III: MEMBERSHIP

Sec. 1. Membership. Membership on the Council shall be in accordance with AS 18.66.020.

- (a) The Council consists of:
 - 1. four persons appointed by the governor after consultation with the Network on Domestic Violence and Sexual Assault;
 - 2. the Commissioner of Public Safety or the designee of the Commissioner of Public Safety;
 - 3. the Commissioner of Health and Social Services or the designee of the Commissioner of Health and Social Services;
 - 4. the Commissioner of Education or the designee of the Commissioner of Education;
 - 5. the Attorney General or the designee of the Attorney General; and

6. the Commissioner of Corrections or the designee of the Commissioner of Corrections.

(b) A person who receives compensation from or is an employee of a domestic violence, sexual assault, or crisis intervention or prevention program may not be appointed to the Council

Sec. 2. Term of Membership. Members appointed under Sec. 1(a) serve at the pleasure of the governor for a term of three years, and may not serve more than two consecutive terms.

Sec. 3. Termination of Membership. If a member fails to attend two consecutive regular meetings of the Council without good cause, the Council may require that member's resignation by a vote of a majority of the Council at a regular meeting of the Council. If the Council requests the resignation of a member and that member fails to resign, the Council by majority vote of the members may recommend to the governor that the member be removed.

Sec. 4. Vacancies. A vacancy on the Council shall be filled for the unexpired term by appointment by the Governor after consultation with the Network on Domestic Violence and Sexual Assault.

Sec. 5. Compensation.

- (a) The members of the Council receive no salary but are entitled to transportation expenses and per diem in accordance with AS 39.20.180.
- (b) A person who receives compensation from or is an employee or Board Member of a domestic violence, sexual assault, or crisis intervention program may not be appointed to the Council.

Article IV: OFFICERS

Sec. 1. Enumeration. The officers of the Council shall be a Chair and a Vice-Chair.

Sec. 2. Election. Each officer shall be elected by a majority of the Council. If more than one person is nominated for an office, election will be by secret ballot.

Sec. 3. Term. Each officer shall be elected for a term of two years. Officers are to be elected at the first Council meeting of the calendar year. Their term of office shall be effective from the end of the meeting in which they were elected until the end of the meeting of the next election. Any officer may be elected to no more than two consecutive terms to the same office.

Sec. 4. Resignation and Removal of Officers. Any officer may resign at any time by giving written notice to the Council. Officers may be removed from office by any majority vote of the Council at a regular or special meeting of the Council called for that purpose.

Sec. 5. Vacancies. Any vacancy in an office shall be filled by the Council for the unexpired portion of the term.

Sec 6. Responsibilities and Duties. (a) The Chair shall preside at all meeting of the Council, unless the Chair designates another Council member to preside; and shall perform such additional duties as required by the Council and normally executed by the Chair.

(b) The Vice-Chair shall preside at meeting in the absence of the Chair and shall perform such additional duties as are required by the Council and necessitated by the Chair's absence. In the event of the absence of both officers, the Chair shall appoint a pro-tempore to preside for that meeting.

ARTICLE V: COMMITTEES

Sec. 1. Committees. The Council may authorize the creation, prescribe the term, and define the powers and duties of committees as may be necessary or useful to the conduct of Council business. As committees, they may not officially represent the Council unless specifically authorized by the Council to do so. The Council may also convene committees and task forces whose memberships include individuals who are not Council members for the purpose of advising the Council.

ARTICLE VI: MEETINGS

Sec. 1. Public Meetings. All meetings of the Council shall be conducted in accordance with AS 44.62.310-320 including Executive Sessions.

The following excepted subjects may be discussed in an executive session:

- (a) Matters, the immediate knowledge of which would clearly have an adverse effect upon the finances of the government unit;
- (b) Subjects that tend to prejudice the reputation and character of any person, provided the person may request a public discussion; and
- (c) Matters, which by law, municipal charter, or ordinance are required to be confidential.

Sec. 2. Regular Meetings. Regular meeting of the Council shall be held at least quarterly. At least one meeting each year shall include a statewide public teleconference hearing. The time and place of a meeting shall be set by the presiding officer or by three members who submit a written request for a meeting to the presiding officer. At least 14 days notice must be given for regular meetings.

Sec. 3. Special Meetings. Special meetings of the Council may be called at any time by the Chair or any 3 Council members. Such meetings may be conducted by telephone conference call or by other means which permits simultaneous communication between members in accordance with AS 44.62. Members must receive notification of special meetings at least 3 days prior to the meeting, excluding weekends and holidays.

Sec. 4. Quorum. Five (5) members of the Council constitute a quorum for all meetings. The Council may conduct no official business with fewer than 5 members present (*Revised March 6, 2009: Quorum changed from 4 members to 5 members*).

Sec. 5. Voting. Each member shall have one (1) vote. Members may not vote by proxy or designate another individual to represent them in the conduct of Council business. Except as specified in these by-laws, Council action requires the affirmative vote of a majority of the members present at a meeting. Voting by communication media or mail will be allowed according to AS 44.62 of Administrative Procedures Act.

Sec. 6. Conduct of Meetings. Meetings of the Council shall be conducted according to **Robert's Rules of Order.**

Sec. 7. Executive Director. The executive director shall attend all public meetings of the Council or assure proper staff coverage of all meetings.

ARTICLE VII: CONFLICT OF INTEREST

Sec. 1. Action of Conflict of Interest. Where private gain may accrue to a member of the Council as a consequence of Council action, the Council member shall abstain from any participation on the issue in question. Any person may raise the question of a conflict of interest on any subject, and with respect to any member. After full hearing of the facts, the Council may vote to recommend that members abstain from participation on the basis of conflict of interest, or on the grounds that a substantial body of opinion may perceive the member's public responsibility and private interest to be in conflict. If a majority of the membership of the Council votes to recommend that a member abstain, and the member does not abstain on that issue, then the Council may by separate vote, recommend to the governor that the Council member be removed from the Council.

ARTICLE VIII: EMPLOYEES OF THE COUNCIL

Sec. 1. Authorized Staffing. The Council shall conduct a recruitment process and recommend to the Governor the appointment of an executive director. The Council shall authorize the executive director to hire such staff as may be necessary to carry out the purpose and function of the Council and as approved by the Office of the Governor.

Sec. 2. Annual Personnel Evaluation. The Council shall complete the annual evaluation of the executive director. The executive director shall prepare evaluations for the remaining employees in compliance with state Personnel Procedures.

Sec. 3. Reporting and Supervision. All employees of the Council shall report to the executive director. The executive director shall report to the Council.

ARTICLE IX: FINANCIAL ADMINISTRATION

Sec. 1. Fiscal Year. The fiscal year of the Council shall conform to that of the State of Alaska.

Sec. 2. Appeals. As stated in the Council regulations, 13 AAC 95.350 APPEALS PROCEDURES, an applicant may appeal certain Council decisions to the Chair who will advise the appellant of the acceptance or rejection of the appeal. In the case of decisions in which the Chair voted to break a tie (see Article VI, Sec 5), the chair shall request a Council member who represents the minority to review the request for an appeal and make a recommendation to the Chair.

Sec. 3. Reporting. Before January 15 of each year, the Council shall make an annual report to the Governor and the legislature on the activities of the Council, plans of the Council for new services and programs, and concerns of the Council including recommendations for legislation necessary to carry out the purposes of AS 18.66.101-900.

Sec. 4. Budget Requests. Preparation of the Council budget and amendments is the responsibility of the director. The Council retains the authority to approve the annual budget, budget amendments and supplemental appropriation requests. In the event of an emergency, the executive director may approve or submit budget documents on an interim basis, subject to Council approval at its next meeting. In such cases, the executive director will contact all Council members by telephone to seek their advice.

Sec. 5. Professional Services Contract Authorization. The Council will follow all state procurement regulations and polices when soliciting and entering into any professional services contract that total \$25,000 or above.

Sec. 6. Travel Authorization. The signature of the executive director is required to approve all travel requests using Council funds. Once approved internally, the Council will follow all executive branch travel policies and procedures, obtaining the necessary approvals from the DPS Commissioner and Governor's office, depending on the travel destination (in-state, out-of-state, or out-of-country). ARTICLE X: CONTRACTS AND AGREEMENTS

Sec. 1. Powers to Contract and Enter Into Agreements. The Council, by a majority vote, may award grants and contracts from appropriations of state and federal monies for the purpose to qualified local community entities for domestic violence, sexual assault and crisis intervention and prevention programs in accordance with AS 37.0 and 7 AAC 78.010-320.

ARTICLE XI: AMENDMENTS

Sec. 1. Amendments. These by-laws may be amended by at least five (5) affirmative votes of the Council at any meeting.

- (a) Proposed by-law changes can only be voted upon at a meeting, subsequent to the meeting at which they are presented for discussion; with the additional provision that a minimum of 30 days must elapse between the meeting at which a proposal for by-law change is made and the meeting at which the proposal for by-law change is made and the meeting at which the proposal is voted upon.
- (b) For the purpose of voting on by-laws, a Council member expecting to be absent at a meeting where action on by-law changes is scheduled may submit in writing to the executive director a sealed vote for or against the by-law changes. Any absentee votes are to be opened in the presence of the Council immediately following the vote by Council members present.