

Domestic Violence Council of Santa Clara County  
By-Laws

Approved by DVC Executive Committee on 5/16/2015  
Approved by DVC on 9/4/2015

**ARTICLE I - 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**

For the purposes of this Council, domestic violence is defined as “a range of behaviors used to establish power or exert control by one intimate partner over another. The range of behaviors can include psychological, emotional, verbal, sexual, financial, spiritual, and physical abuse, as well as stalking and threatening behaviors.”

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 domestic violence, and (3) accountability for perpetrators of abuse. 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 based upon research and data.
- c) Improve the response to domestic violence and abuse so as to reduce incidents thereof.
- d) Educate the general public and professional community about the need to end domestic violence.
- e) Recognize the critical overlap of other intra-familial violence and abuse, supporting efforts to address these issues in concert and coordination with efforts focused on domestic violence.

**ARTICLE III – Powers and Duties**

The following shall be the duties of the Council:

- a) Encourage and promote public awareness and education about domestic violence and abuse through such means as conferences, trainings and other public meetings.
- b) Obtain and utilize survivor input to inform the work of the Council.
- c) 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.

- d) Improve the cooperation and coordination among all the participants in the justice system who deal with domestic violence and abuse.
- e) Make recommendations to the Board of Supervisors, agencies, departments, the courts and others regarding improving the response to domestic violence and abuse.
- f) Examine and review legislation that relates to domestic violence and abuse and recommend appropriate action to the designated policy committee of the Board of Supervisors.
- g) Review and address local, state and federal reports relating to domestic violence and abuse and recommend changes in policy, procedures and protocols as appropriate.
- h) Form ad hoc or sub-committees to assist in planning, policy, goal and priority recommendations, and other functions as the Council deems necessary.
- i) Sponsor, support and promote studies and public hearings in the areas of domestic violence that, in the judgment of the Council, will aid in effectuating its general purposes.
- j) Respond to related matters referred to the Council by the Board of Supervisors.
- k) Subject to the approval of the County Executive, request the ex officio 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.
- l) With the approval of the Board of Supervisors, participate in and undertake projects related to the purpose of the Council, meet the goals and objectives of such projects, and fulfill all funding requirements for such projects.

#### **ARTICLE IV – Annual Report**

The Council shall provide its annual work plan and accomplishments to the Board of Supervisors through the Public Safety and Justice Committee each year as required. 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 V – Membership**

The membership of the Council consists of 22 members appointed by the Board of supervisors.

**A. REPRESENTATIVES:** Members shall be representative of the following:

- a) Three representatives shall be from battered women’s shelters.
- b) Two Judicial Officers from the Santa Clara County Superior Court, consisting of one judge from the Family Court and one from the Criminal Court.
- c) One (1) representative, at a policy-making level, from each of the following public safety and human services organizations or interest areas:
  - 1. Probation Department
  - 2. Public Defender’s Office
  - 3. District Attorney’s Office
  - 4. Pretrial Services
  - 5. Sheriff’s Office
  - 6. Santa Clara County Police Chiefs’ Association

7. San Jose Police Department
8. Social Services Agency
9. Batterer's Treatment Program
10. Survivor of Domestic Violence
11. Santa Clara County or Silicon Valley Bar Association
12. Victim-Witness Assistance
13. Lesbian, Gay, Bisexual and Transgender Community
14. Medical Community
15. Family Law Bar
16. Children's Issues
17. 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) 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 with the Office of the Clerk of the Board.

**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 pursuant to County Charter. All vacancies shall be reported to the Board of Supervisors. The Council may make recommendations for membership to the Board of Supervisors.

**D. CHANGE OF STATUS:** Members who change their affiliation upon which their seat is based or residency must inform the Office of the Clerk of the Board, the Chairperson, and the Membership Vice-Chair in writing of their change of status within thirty (30) days. The Chairperson, in partnership with the Clerk of the Board, shall review the membership role of such a member in accordance with County Charter section 506 to determine if their position shall be vacated.

**E. RIGHTS OF MEMBERS:** Members of the Council shall receive agendas, minutes, and all other materials related to the Council; vote at meetings of the Council; and serve as officers of the Council.

**F. RESPONSIBILITIES OF MEMBERS:** Members of the Council are expected to:

1. Exhibit 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: three (3) unexcused absences or inactivity in a 12-month period may be grounds for membership termination.
4. 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. Appear on behalf of the Council at public events, as needed; and
8. Mentor new members of the Council, as needed.

**G. RESIGNATION:** A resigning Council member shall submit a letter or email to the appointing Board member, the Chairperson and Membership Vice-Chairperson of the Council, and the Clerk of the Board of Supervisors.

**H. VACANCIES:** Pursuant to County Charter, Section 506, the Clerk of the Board shall give notice to the public of any vacancies. Any person interested in appointment shall apply to the Board of Supervisors.

#### **ARTICLE VI – Meetings and Quorum**

**A. OPEN AND PUBLIC:** All meetings of the Council shall be open and public. The Clerk of the Board, in partnership with the Chairperson, shall prepare and post the agenda and record the minutes in accordance with the Brown Act. The Council shall set aside time for limited public comment on items not on the posted agenda.

**B. NOTICE:** The Clerk of the Board, in partnership with the Chairperson, shall provide written notice of each meeting of the Council not less than seven (7) days before the meeting, specifying the time, place and agenda items. Further, the Clerk of the Board, in partnership with the Chairperson, shall post the agenda pursuant to the requirements of the Brown Act.

**C. REGULAR MEETINGS:** The Council shall hold up to ten (10) regularly-scheduled business meetings per year as established in advance by the Council.

**D. CONDUCT OF MEETING:** The Council shall conduct meetings in accordance with Roberts Rules of Order.

**E. QUORUM:** A quorum is necessary to conduct business and to take action. A quorum is a majority of the entire membership, which would be 12 members. A majority vote of the entire membership is required to take action

**F. SPECIAL MEETINGS:** The Chairperson or a majority of the commission may call a special meeting, which requires coordination with the Office of the Clerk of the Board regarding availability of staff and a meeting room. The Office of the Clerk of the Board must post the agenda of a special meeting at the County Government Center at least 24 hours prior to the meeting and notify the media that have requested notification. A Deputy Clerk attends the meeting and prepares minutes.

#### **ARTICLE VII – Officers**

**A. DEFINITION:** The officers shall consist of a Chairperson, an Administrative Vice-Chairperson, and a Membership Vice-Chairperson. All officers must be Council members

and shall be elected by a quorum of the membership of the Council. 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:

1. Preside at all meetings of the Council;
2. Plan and carry out the agenda for Council meetings;
3. Ensure compliance with Brown Act requirements and By-Laws of the Council
4. Facilitate the purposes of the Council by having powers and duties as may be prescribed from time to time by majority vote of the membership;
5. Chair the Executive Committee;
6. Ensure that a Chairperson of each standing or ad hoc committee is selected;
7. Communicate with the committee chairpersons to ensure the committees are discharging their responsibilities.
8. Communicate with the Board of Supervisors on behalf of the Council;
9. Organize and facilitate the Annual Retreat;
10. Ensure that the annual report is submitted to the Board of Supervisors; and
11. Delegate a reasonable portion of his or her duties to the Vice-Chairperson, when necessary.

**C. POWERS AND DUTIES OF THE ADMINISTRATIVE VICE-CHAIRPERSON:**

The Administrative Vice-Chairperson shall:

1. Assist the Chairperson in his or her duties as requested;
2. Perform the duties of the Chairperson in the event of the absence, inability to perform duties, or resignation of the Chairperson;
3. Function as an Executive Committee member; and
4. Assume the financial oversight of the Domestic Violence Council.

**D. POWERS AND DUTIES OF THE MEMBERSHIP VICE-CHAIRPERSON:** The Membership Vice-Chairperson shall:

1. Keep updated Council and committee membership lists;
2. Provide annual orientations and assign mentors for each new member;
3. Make recommendations to Board of Supervisors' aides in charge of Boards and Commissions to fill vacant seats with new members;
4. Advise members of term expirations and procedures for reappointment and resignations;
5. Perform the duties of Chairperson in the absence of both the Chairperson and the Administrative Vice-Chairperson; and
6. Function as a member of the Executive Committee; and review member's change of status upon request of chairperson.

**E. NOMINATION OF OFFICERS:** In April of each year, the Council shall identify at least three (3) Council members to serve as a Nominating Committee. The Nominating Committee shall ask members for nominations, contact proposed nominees to determine their willingness to run for office, and nominate additional candidates if necessary to fill all

positions. The nominating committee shall transmit its nominations to the Office of the Clerk of the Board so that the proposed ballot of officers can be presented and voted on at the last meeting of the current fiscal year. At the time the ballot of officers is presented to the Council for voting, the Chairperson of the Council will call for any additional nominations from Council members. A nomination does not need to be seconded; it is simply accepted by the Chairperson. All nominations must have the permission of the person nominated. The Membership Vice-Chairperson shall confirm that all nominees are eligible for further Council service as set out in Article V.B. (Terms and Oath of Office).

- F. ELECTION OF OFFICERS:** Election of officers shall be held at the last Council meeting of the fiscal year. The newly elected Council officer(s) term of office shall begin no earlier than July 1 of the next 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 in any one position.
- G. RESIGNATION:** Any officer wishing to resign as an officer but remain on the DVC may resign by submitting a written resignation by letter or email to the other two officers and the Clerk of the Board of Supervisors.
- H. RECALL:** Any officer may be considered for recall from office for good cause upon written petition signed by twenty-five (25%) of Council members. Consideration of the petition shall be placed on the agenda for the next Council meeting. An officer shall be recalled if fifty-one (51%) of Council members vote in favor of recall.
- I. VACANCIES:** Upon a vacancy in any office of the Council, the Council Chairperson shall call for nominations from Council members at the meeting in which the vacancy is announced. A nomination does not need to be seconded; it is simply accepted by the Chairperson. All nominations must have the permission of the person nominated. The Membership Vice-Chairperson shall confirm that all nominees are eligible for further Council service as set out in Article V.B. (Terms and Oath of Office). A list of nominees shall be provided to Council members at least seven days prior to the vote, which shall occur at the next regularly scheduled meeting of the Council.

#### **ARTICLE VIII – Committees**

- A.** The Council will have committees to assist in planning, policy, goal and priority recommendations, and other such functions as the Council deems necessary. Priority areas are established at the annual retreat. Standing committees are subcommittees of the council, which must be composed of less than a quorum of the entire council membership. The committees must be specifically designated in the council by-laws, which require approval by the Board of Supervisors.
- B.** Ad hoc committees are established by the council Chairperson for a limited purpose and time. Ad hoc committees are composed of less than a quorum of the council.
- C. CREATING AND DISBANDING STANDING AND AD HOC COMMITTEES:**

1. Any member of the Council can suggest the creation of a standing committee or ad hoc committee when it appears necessary, and such committees may be established upon a majority approval of the Council.
2. Each standing or ad hoc committee shall elect its own Chairperson from among its members. The Council Chairperson will ensure a chairperson of each committee is selected and may appoint a Chairperson Pro Tempore to head the committee pending selection of a Chairperson.
3. Any standing or ad hoc committee may be disbanded upon affirmative majority vote of the Council.
4. An ad hoc committee ceases to exist when its specific task is completed and a final report is provided to the commission for consideration.
5. The Office of the Clerk of the Board does not prepare agendas and does not attend the meetings or take minutes.

**D. RESPONSIBILITIES OF STANDING COMMITTEE CHAIRPERSON(S):** The Chairperson(s) of each Standing Committee shall be responsible for the following activities:

1. Prepare committee agendas and take meeting minutes.
2. Submit agendas and minutes of meetings to committee members and the Office of the Clerk of the Board at least seven (7) days before the scheduled meeting.
3. Report on the committee's activities at Council meetings when appropriate.
4. Ensure that the committee prepares an annual work plan.
5. Maintain the committee roster and oversee any changes in committee membership, or changes in meeting dates, times or locations.
6. Determine the process for establishing committee membership for purposes of quorum and interested parties. Quorum must be present to vote on matters. A quorum is one-half the documented membership, plus one.
7. The agenda must include meeting location and call-in information when appropriate, an item for public presentations for matters not on the agenda and disability access statement.
8. Provide brief orientation of the committee to new members.
9. Report committee recommendations to the full commission for consideration.
10. Ensure compliance with Brown Act requirements and By-Laws of the Council.

**E. RESPONSIBILITIES OF AD HOC COMMITTEE CHAIRPERSON(S):** The Chairperson(s) of the ad hoc committee shall be responsible for the following activities:

1. Provide updates on the activities and progress of the ad hoc committee.
2. Create a work plan and ensure progress toward defined purpose and time limit.
3. An "*ad hoc committee*" is exempt from the Brown Act if all of the following requirements are met: (1) it consists exclusively of members from the Domestic Violence Council; (2) it is composed solely of less than a quorum of the members of the Council; (3) it is created to address a limited or single purpose for a limited duration and will be dissolved once its specific task is completed (i.e., it has a temporary existence); (4) it does not have continuing subject matter jurisdiction; and (5) it does not have a meeting schedule fixed by formal action of a legislative body.

**F. RESPONSIBILITIES OF STANDING AND AD HOC COMMITTEE MEMBERS:**

Members of the committees of the Council shall:

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

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

1. Membership of the Executive Committee shall consist of the three officers and two committee chairpersons as determined by a vote of the full Council. Other members may be added as needed by a vote of the Council.
2. The Executive Committee provides leadership and oversees the Council's operations, including but not limited to the following:
  - a. Ensure compliance with the County Ordinance and Charter, and the Council's mission statement;
  - b. Oversee organizational, developmental and policy issues as they relate to carrying out goals and priorities of the Council;
  - c. Organize and facilitate an annual retreat;
  - d. Update Council By-laws as needed;
  - e. Receive inquiries and concerns from County representatives and community members and ensure a timely response;
  - f. Set the agenda for Council meetings;
  - g. Prepare and distribute agendas and minutes of Executive Committee meetings;
  - h. Prepare the annual work plan, budget and accomplishments for the previous fiscal year for submission to the Council and ultimate approval by the Board of Supervisors; and
  - i. Carry out functions as may be delegated to them by a vote of the Council.

**H. BATTERERS' INTERVENTION COMMITTEE (BIC):** As an integral part of a community wide response to family violence, BIC provides a forum for the exchange of information, ideas and solutions towards perpetrator and systems accountability with the goal of victim safety.

**I. CHILDREN'S ISSUES COMMITTEE:** The mission of the Children's Issues Committee is: "To organize, inform and advocate on behalf of children exposed to domestic violence."

**J. CONFERENCE COMMITTEE:** The Conference Committee plans and produces an annual event for the community members of Santa Clara County. The Conference Committee may charge a fee for the Conference that reflects only the cost of services for the actual conference, so that as many persons as possible may take advantage of the training. This is not a "for profit" event.

**K. COURT SYSTEMS COMMITTEE:** The Court Systems Committee goal is to improve the court's handling of domestic violence cases and to educate the service providers on how their clients can access and navigate the court system more easily. Members should include



representatives from all parts of the court system in Santa Clara County including Criminal Court, Family Law Court, Juvenile Justice and Juvenile Dependency Court. Service providers should also participate on the committee.

- L. LGBTQ COMMITTEE:** The purpose of the LGBTQ Committee is to provide a forum to exchange knowledge and ideas to better address the unique needs of LGBTQ individuals and families dealing with domestic violence/ Intimate Partner Abuse (IPA); to collaborate with service providers, educators, court systems, community members and the DV Council to better provide accurate information and services for LGBTQ victims/ survivors and LGBTQ perpetrators of domestic violence/IPA; to improve services for LGBTQ victims/survivors and LGBTQ perpetrators of domestic violence/IPA throughout Santa Clara County; increase awareness and visibility of LGBTQ abuse/DV/IPA; and bring LGBTQ domestic violence/IPA expertise to the work of the Domestic Violence Council.
  
- M. MEDICAL COMMITTEE:** The purpose of the Medical Committee of the Santa Clara County Domestic Violence Council is to: 1) Bring medical expertise to the work of the Council; 2) Provide outreach for abuse-related medical education to other health professionals, the DV professional community, and the public; 3) Provide guidance and support for hospitals, clinics and healthcare providers seeking information from the DVC on DV issues; and 4) Increase general awareness throughout our county about the extensive mental and physical health effects of abuse in all age groups.
  
- N. POLICE/VICTIM ADVOCACY COMMITTEE:** The Police/Victim Committee coordinates and collaborates on efforts between law-enforcement agencies and victims of domestic violence and abuse, victim advocates, and victim-assistance agencies. Additionally, this Committee will provide awareness, empowerment and resource information to the community and for victims and survivors of domestic/family violence. It will inform systems of the needs of victims and survivors; as well as research and provide training information for the community, victims, and survivors of domestic/family violence
  
- O. ANNUAL COUNCIL RETREAT AD HOC COMMITTEE:** Assisted by the Executive Committee, the Council Chair will facilitate and organize the Annual Retreat. The purpose of this Retreat is to discuss goals, develop visions and to provide examination of the Council structure to ensure that the Council continues to serve the community as is mandated in the 1991 Ordinance. The Retreat will take place generally each January in lieu of a regular Council meeting. A retreat is a meeting and is subject to the Brown Act, including noticing and public access requirements.
  
- P. NOMINATIONS AD HOC COMMITTEE:** The Nominations Ad Hoc Committee determines the ballot of at least 3 officers elected by a public vote of the Council membership for the following Executive Committee positions: Chair, Administrative Vice-Chair, and Membership Vice-Chair.
  - 1. The Nomination Committee will be selected by the Council in March of each year and serve until the end of June with a minimum of three members. The Committee shall identify candidates in April, prepare the ballot in May, and conducts the election of officers in June at the last Council meeting of the fiscal year.

2. The Nomination Committee will select a chair.
3. In an effort to promote leadership and ensure a smooth transition for new officers, the Nomination Committee will give an opportunity to all voting members to submit their interest in assuming an officer position for the next fiscal year.
4. At the discretion of the Nominations Ad Hoc Committee, prospective candidates may submit a letter of interest and may be interviewed by the Nomination Committee.
5. No less than ten (10) days prior to the June Council meeting, a final ballot of candidates will be presented to the full Council.
6. At the time the ballot of officers is presented to the Council, the Chairperson of the Nominations Committee will call for any additional nominations from the floor. A nomination does not need to be seconded; it is simply accepted by the Chair of the Nominations Committee. The Committee will conduct a public vote for each office.
7. If vacancies occur among the officers during the time that the Ad Hoc Nomination Committee is not in effect, the vacancies will be filled pursuant to Article VII.J of the Council By-laws.

### **ARTICLE IX – Funding**

- A. The Council shall conduct its business in a fiscally responsible manner, ensuring that expenditures are supported by adequate revenue and are consistent with the adopted budget.
- B. The Council’s Administrative Vice-Chairperson will provide financial oversight as set out in the By-Laws and give regular reports to the Council.
- C. Semi-annual reports will be provided in writing by the Office of the County Executive, Office of Women’s Policy, to the Administrative Vice-Chairperson for approval at both the Executive Committee and full Council in January and at the first meeting of the fiscal year.
- D. Except as otherwise provided by law, a member or the Chair shall recommend disbursement requests, which shall be approved by majority vote of the Council. Approval of disbursements may be in the form of approval of a budget.
  1. Authorization for Purchase – The Chairperson or Vice Chairperson may authorize purchases up to \$1,500 in advance. Council-initiated purchases must be coordinated five days in advance to ensure timely processing of payment and must be supported by an invoice or a purchase order and any other supporting documentation. The full Council must approve in advance expenditures in excess of \$1,500.00.
  2. Advances – Any member of the Council may request a cash advance of up to \$150.00 if necessary for the expedient transaction of Council business. The member shall submit a petty cash request form to the Office of the County Executive Office of Women’s Policy, co-signed by the Chairperson or Vice-Chairperson.
  3. Deposits – Members of the Council must turn in money received for the Council to the Office of the County Executive, Office of Women’s Policy within 15 days of receipt, except money received for special events of the Council, which must be turned in within 30 days. The Office of the County Executive shall deposit all funds received within five days into the Domestic Violence Trust Fund.

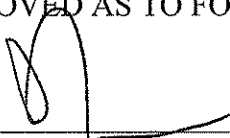
- E. Donations – The Chairperson or Vice-Chairpersons of the Council may accept individual donations of less than \$500.00 in property, money or services in support of the purposes of the Council. Such donations must be reported to the Council at its next regularly scheduled meeting as part of the financial report. The Council must accept donations in excess of \$500.00.
- F. Fiscal Year – The fiscal year of the Council commences on July 1<sup>st</sup> of each year and ends on June 30<sup>th</sup> of the following year.

**ARTICLE X – 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 amended By-Laws shall be submitted to each Council member seven (7) days prior to the meeting.
- C. **APPROVAL:** Recommended amendments to the By-Laws passed by the Council shall be submitted for approval to the Board of Supervisors.

APPROVED BY THE DVC ON 9/4/2015

APPROVED AS TO FORM AND LEGALITY:

  
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Danielle L. Goldstein, Deputy County Counsel

8.28.15  
Date

