

# MONTEREY COUNTY COMMUNITY ACTION COMMISSION



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## Commission Bylaws

2017  
Revision

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## Bylaws

### I. INTRODUCTION

- A. These bylaws define the structure and operation of the Monterey County Community Action Commission of the Community Action Partnership (CAP). The structure and operation of the organization, also referred to as the Commission and the CAC, are developed to conform to the current regulations and policies of the California State Department of Community Services and Development.
- B. In accordance with Resolution 80-12 and all applicable federal, state, and local laws, the Community Action Commission is authorized to amend these bylaws as necessary. Amendment of these bylaws will be for the purpose of maintaining their currency with changing applicable laws and to accurately reflect changes in the Commission's role and focus to best meet the needs of the low-income population.
- C. The Monterey County Board of Supervisors as the designated Community Action Partnership has, by Board resolution, delegated operational responsibility to the Department of Social Services. The Department, therefore, is the County's advocate for low-income individuals and families.
- D. It is the policy of the Department of Social Services and the Community Action Partnership to comply with all applicable federal, state, and local laws and regulations which prohibit discrimination. Service recipients will be considered for services regardless of an individual's race, color, ethnic group, national origin, ancestry, religious creed, sex, sexual orientation, age, veteran's or marital status, cancer-related medical condition, mental or physical disability (including AIDS).
- E. It is the policy of the Department of Social Services and the Community Action Partnership to make the entire community more responsive to the needs and interests of the low-income community by mobilizing resources and bringing about greater institutional sensitivity.
- F. The Community Action Commission will be composed of fifteen (15) members who will report their recommendations to the Board of Supervisors.

### II. STATEMENT OF PURPOSE

- A. Mission  
The mission of the Community Action Partnership is to assess the needs of the low-income residents in Monterey County and develop, maintain, and evaluate community services that empower low-income persons, improve their quality of life, and assist them to achieve self-sufficiency.
- B. Purpose

The purpose of the Community Action Commission is to provide an avenue for participation in local government by the low-income, public, and private sectors of the community in allocating and administering local, state, and federal community assistance funds and programs. The Commission fully participates in the development, planning, implementation, and evaluation of the Community Action Partnership-funded programs which serve low-income communities.

### III. COMPOSITION

In accordance with California Government Code, Chapter 9, Article 6, Section 12751, the Community Action Commission must be a tripartite board comprised of members from each district within the county. Commissioners represent one of three constituencies: public, private, and low-income sectors. The County of Monterey consists of five (5) districts; therefore, its Commission has a total fifteen (15) members.

The Board of Supervisors may serve on the Commission, or they may choose representatives to serve in their place or in their absence. The representatives need not be public officials themselves so long as they are entitled to speak and act for the Supervisors whom they represent in connection with the Commission's business. Such nominations shall be made by the Supervisor whose District is represented and shall be appointed by the Board of Supervisors.

Standing Commissioners and CAP staff recruit for commissioner-candidates to fill any vacancies on an on-going basis. Identified Commissioner-candidates notify their respective District Supervisor of their personal interest and ability in contributing to the success of the Community Action Partnership. Commissioner-candidates are invited to observe CAC meeting(s) to determine if they wish to serve its board. District Supervisors have the sole authority to nominate prospective commissioners, and the Board of Supervisors has the sole authority to appoint such commissioners.

#### A. Five Public Sector Representatives

California Government Code, Chapter 9, Article 6, Section 12751(a) stipulates that one third of the Commissioners must represent the Public Sector. These representatives may be elected officials or their appointed representatives. In Monterey County, there are five (5) CAC board members who represent the Public Sector.

#### B. Five Private Sector Representatives

California Government Code, Chapter 9, Article 6, Section 12751(c) stipulates that one third of the Commissioners must represent the Private Sector. These representatives are officials or members of business, industry, agricultural, religious, welfare, education, or other major organizations and interests in the community. In Monterey County, there are five (5) CAC board members who represent the Private Sector.

#### C. Five Low-Income Representatives

California Government Code, Chapter 9, Article 6, Section 12751(b) stipulates that one third of the Commissioners must represent the local low-income population. Within each of the five supervisorial districts, one (1) representative will be chosen in accordance with democratic election procedures.

Although representatives of the low-income residents need not be low-income themselves, they must nevertheless be selected in a manner which ensures they truly represent persons of low-income. The election procedures are detailed in Commission Information and Procedures. As with all Commissioners, the elected representatives are appointed by the Board of Supervisors.

#### IV. SELECTION, TERMS OF OFFICE, and APPEALS

##### A. Assuming Office

New commission members will be seated at the next regular Commission meeting following their appointment by the Board of Supervisors.

##### B. Terms of Office

Members will serve terms of three years. Terms shall be staggered so that one-third of the members will be elected or appointed each year. No member will serve more than three (3) full terms consecutively unless recommended by a 2/3 vote of the Commission and approved by the Board of Supervisors. The Board may override the recommendation made by the Commission.

##### C. Appealing the Non-Selection of Low-Income or Private Sector Representatives

Upon receipt of a petition with at least ten (10) names of persons with a common interest, the Commission shall schedule an open hearing to provide the organization or individual an opportunity to present his or her case appealing the non-selection of a low-income or private sector representative. At the conclusion of the hearing, the Commission will notify the Board of Supervisors of its recommendation. The Board of Supervisor has the authority to approve or reject the recommendations by the Commission.

#### V. COMPENSATION

Reimbursement to Commissioners for necessary expenses incurred in attending meetings, training sessions, and other official appointments will be in accordance with the current Monterey County Travel and Business Expense Reimbursement Policy ([http://www.in.co.monterey.ca.us/auditor/pdfs/County\\_Travel\\_Business\\_Expense\\_Policy\\_12-5-12.pdf](http://www.in.co.monterey.ca.us/auditor/pdfs/County_Travel_Business_Expense_Policy_12-5-12.pdf)). Necessary expenses could include meals, lodging and travel expenses, but will only be paid pursuant to the County Travel Policy.

#### VI. ETHICS TRAINING

Assembly Bill (AB) 1234, enacted in April 2005, clarifies the rules pertaining to compensation to members of a local government legislative body for attendance at authorized meetings and conferences, requires the establishment of guidelines for reimbursement of members of a local government legislative body for actual and necessary expenses incurred in the performance of official duties, and establishes the

provisions for ethics training for local officials and designated employees. This bill defines the Commission as a “governing body.” The effective date of AB 1234 is January 1, 2006.

Because Commissioners may be reimbursed for expenses (see Section V, Compensation), they are required to participate in this Ethics Training every two years.

#### VII. COMPLIANCE WITH FAIR POLITICAL PRACTICES COMMISSION

- A. Every elected official and public employee who makes or influence governmental decisions is required to submit a Statement of Economic Interest, also known as Form 700. The Form 700 provides transparency and ensures accountability in two ways:
1. It provides necessary information to the public about an official’s personal financial interests to ensure that officials are making decisions in the best interest of the public and are not enhancing their personal finances.
  2. It serves as a reminder to the public official of potential conflicts of interest so the official can abstain from making or participating in governmental decisions that are deemed conflicts of interest.
  3. California Form 700, Statement of Economic Interests, must be completed by each Commissioner each year no later than April 1<sup>st</sup>. By indicating no reportable interests, Commissioners provide verification that they are not personally profiting from their role as Commissioner.

#### VIII. QUALIFICATIONS

- A. All Commissioners must be of voting age and legal residents of Monterey County.
- B. Commissioners representing the public and private sectors must reside in the district which they are appointed to represent.
1. Relocation outside the supervisorial district requires a resignation; or
  2. Reconsideration to fill an existing vacancy in the new supervisorial district of residence.
- C. Commissioners representing the low-income sector must reside or be employed in the same supervisorial district in which they represent.
1. Relocation or employment outside the supervisorial district requires a resignation; or
  2. Reconsideration to fill an existing vacancy in the new supervisorial district of residence or employment.

#### IX. VACANCIES

- A. Vacancies at the End of Term  
All vacancies at the end of the term will be filled in the same manner as the original selection process.

B. Other Vacancies

In the event a member resigns or for any reason is unable to attend the regular meetings on a consistent basis, a successor will be sought to fill the vacancy as soon as possible.

C. Nominating Committee

The Nominating Committee shall be the focal point for commissioner recruitment. This committee shall conduct recruitment efforts year round when vacancies exist. Standing commissioners and CAP staff will assist in recruitment efforts. This task shall be accomplished in addition to bringing nominations for the Commission. Standing commissioners serving in districts where vacancies exist will proactively participate in recruitment efforts for their district. This committee will also lead the development of the CAC Recruitment Plan and present this Plan to the Commission for ratification. See Sections XIII (C) and XIV (A) for further information.

X. BOARD RELATIONSHIP WITH THE COMMUNITY ACTION COMMISSION

- A. The Commission is delegated the power to determine its own rules and procedures, and select its own officers and Executive Committee.
- B. The Commission determines the Community Action Partnership's major organizational and program policies subject to ratification by the Board of Supervisors. The Board of Supervisors shall determine personnel and fiscal policies of the Community Action Partnership.
- C. The Commission will participate in developing, evaluating, and reviewing Community Action Partnership programs. This includes providing the public an opportunity to be informed and question the proposed programs and policies. The Commission, after review, will submit written reports to the Board with its recommendations. The Board may approve, revise, or reject these comments.
- D. The Commission will recommend funding allocations for applicant agencies, subject to the ratification by the Board of Supervisors.
- E. The Commission will ensure that the interests of the low-income population are well represented in Community Action Partnership programs and funded services.
- F. Commissioners will be encouraged to meet with the district supervisor they represent on an annual basis to give and receive feedback on Community Action matters.

XI. MEETINGS

A. Regular Meetings

The Commission will establish a regular monthly meeting date. Such meetings and meeting information materials will be open to the public and are subject to the Brown Act. An agenda packet will be mailed to each Commissioner at least seven

(7) days prior to the meeting date. The packet will contain agenda, minutes from the previous meeting, financial statements, and other correspondence as needed. Copies of this packet are available to the public at the meeting.

B. Special Meetings

Special meetings may be called by the Chairperson, Vice Chairperson, or upon request by at least one-third of the membership. Such meetings will be made public. Written notice of special meetings will be mailed to each Commissioner at least three (3) days prior to the meeting date.

C. Time and Place

All meetings will be reasonably convenient in time and place considering the other commitments of the Commissioners.

D. Operating Procedures

The Commission Chairperson may change the order of the agenda in which business is to be presented with the approval of the Commission and in accordance with the provisions of the Brown Act regarding the conduct of public meetings.

E. Minutes

Written minutes will be recorded at each meeting and will be reviewed at the next regular meeting for approval or amendment.

F. Other Procedural Matters

Procedural matters not specifically addressed in these bylaws will be governed by Roberts Rules of Order.

XII. VOTING

A. Definitions

1. Quorum: A quorum is the minimum number of Commissioners needed to conduct business. For the CAC, a quorum equals a majority of the total current membership of the Commission (more than half).
2. Majority Vote: A majority vote is at least one more than half of the votes cast.

B. Commission Action

1. Commission action may be taken by a majority vote of those present and voting, and by no less than a majority of a quorum.
2. A roll call vote can be requested by any member in attendance; however a roll call vote can be taken only when a motion is made and approved by a majority vote.
3. Voting by proxy is not permitted.

XIII. OFFICERS

The Commission will select a Chairperson and Vice-chairperson from its membership in June. These officers will serve for a two (2) year term of office. In order for a

Commissioner to qualify for office, the Commissioner must have had a minimum of twelve (12) months of service by the time of assuming the office.

A. Election Process

The election process for officers is facilitated by the Ex-Officio Secretary. Appointment of an elected officer requires a quorum and a majority vote. During the nomination period, any Commissioner may nominate another qualifying Commissioner for a position. Commissioners may nominate themselves.

Separate elections are held for the Chairperson and Vice Chairperson. The election for the Chairperson is completed before the election for the Vice Chairperson and any nominee not appointed to the Chair position may then be nominated for the Vice Chair position.

Calls for nominees begin when the nomination committee is formed two months prior to the election. Nomination committee members will announce Commissioners who are interested in being nominated for a position at the meeting prior to the election. On the day of the election, the Ex-Officio Secretary will call for nominees no less than three (3) times before closing the nomination period for the election. Nominees will not be accepted after the nomination period has been closed.

Once the nomination period has been closed, each nominee may take a few minutes before votes are cast to provide information to the voting body as to why they are seeking to be elected to the position.

Votes for the position may only be made for Commissioners who have been formally nominated during the nomination period. Non-nominated, write in votes will not be counted. Commissioners shall follow Robert's Rules of Order in conducting the voting process for officers. Commissioners may vote for themselves.

The nominee with the majority vote will be appointed to the position. In the event of a tie, the tied nominees will participate in subsequent elections until a majority is reached.

B. Officer Positions

Chairperson (elected):

1. Serves as the presiding officer of the Commission with a vote.
2. Convenes and facilitates Commission meetings following the procedures of the Brown Act, Robert's Rules of Order, and the Commission Bylaws.
3. Has the authority to convene a special meeting if needed.
4. Can appoint members to committees as established in these bylaws.
5. Works closely with the CAP Executive Director on Commission and Agency operational matters
6. Will be responsible to notify Commissioners whose eligibility is in jeopardy (see Section XV).



7. Represents the Commission at additional CAP activities such as site visits, needs assessments, and special events.

Vice-Chairperson (elected):

1. Serves as the vice presiding officer of the Commission with a vote.
2. Will exercise the duties of the Chairperson in the latter's absence or at the request of the Chairperson.
3. Serves as the Chairperson of the Executive Committee and the Allocation Committee.
4. Works closely with the Chairperson to oversee Commission activities.

Ex-officio Secretary (non-elected):

1. In addition to the officers listed above, the Community Action Partnership Executive Director will serve as Ex-officio Secretary to the Commission.
2. As a non-elected position, the Ex-officio Secretary does not maintain the rights to vote as a Commissioner and shall facilitate the officer election process.

**XIV. STANDING COMMITTEES**

No committee action will be binding until ratified by Commission majority vote.

**A. Executive Committee**

The Executive Committee develops the agenda for the regular monthly Commission meetings and reviews the agenda items submitted to the Commission for action. In an emergency situation, the Committee acts upon such matters and reports its actions at the next regular meeting of the Commission.

1. Members of this committee are appointed by the Commission Chairperson each year prior to the September meeting to serve a two (2) year term. The Vice-Chairperson of the Commission will serve as Chairperson of this Committee. The Chairperson and the CAP Executive Director will serve as ex-officio members of this Committee.
2. Composition should include one (1) commissioner from each supervisorial district selected on a rotating basis. Three (3) commissioners constitute a quorum of this committee.
3. Members of this committee are responsible for developing, with assistance from CAP staff, the Community Action Partnership Strategic Plan. The Chair of the Executive Committee will bring the Strategic Plan to the full Commission for ratification.

**B. Nominating Committee**

The Nominating Committee is both a Standing Committee and a Special Committee. Its Special Committee responsibilities are outlined in Section XIV. A. Its Standing Committee responsibilities are those of commissioner recruitment activities as described below.

1. This committee, of no less than three (3) members, will be appointed by the Commission Chairperson every two (2) years prior to the September meeting to serve a two (2) year term. Committee members may be reappointed.
2. This committee, with assistance from CAP staff, shall employ any reasonable method to recruit commissioner-candidates including, but not limited to: advertising in local media; contacting Supervisors whose districts have vacancies to seek their assistance; seeking assistance from standing commissioners serving in districts where vacancies exist; and presenting information regarding the role of the CAC at community meetings.

XV. SPECIAL COMMITTEES

No committee action will be binding until ratified by Commission majority vote.

A. Nominating Committee

This committee, of no less than three (3) members, will contact commissioners in April for the purpose of recruiting the next Chair and Vice-Chair officers.

Nominations will be sent to all Commissioners with the agenda for the May meeting. Elections will be held during the regular June meeting at which time additional nominations may be submitted by the membership. Selection of officers requires a quorum of the Commission and a majority vote.

B. Bylaws Committee

This committee will review periodically the Commission's bylaws for the purpose of updating them.

1. Proposed changes to these bylaws must be submitted in writing to all Commissioners at least twenty (20) days before voting on the changes during a regularly scheduled meeting. By two-thirds vote, the Commissioners can waive the twenty (20) day requirement.
2. Clarification of existing wordage without change of intent may be done at any general meeting by motion and simple majority.
3. Revised bylaws are required to be formally approved by the Board of Supervisors.

C. Allocation Committee

This committee, of no less than three (3) members appointed by the Chairperson, reviews Requests for Proposals, proposal submittals, and grant applications. With advice and input from the County Purchasing Division, the committee establishes the procedures for conducting the review process for contract award recommendations. Recommendations of the committee are presented to the full Commission for ratification.

This committee may also consist of non-Commission members representing other groups who bring their knowledge of the proposal review process.

D. Development Committee

The Development Committee will seek out, investigate the merits of, and recommend projects or grant proposals which will increase revenues to provide services to the county's low-income individuals and families. This committee will meet when needed. A written notice will be mailed to each member at least seven (7) days prior to any meeting date.

1. This committee, of no less than three (3) members, will be appointed by the Commission Chairperson each year prior to the September meeting to serve a two (2) year term. Committee members may be reappointed as needed.
2. The committee Chair will be the focal point for recommending the selection of and conducting fundraising activities.
3. All commissioners will be responsible for participating in and supporting the efforts of this committee so that funding sources can be increased.

E. Other Ad-hoc Committees

Other ad-hoc committees may be appointed at the discretion of a majority vote of the Commissioners.

XVI. RULES GOVERNING CONFLICT OF INTEREST, NEPOTISM, AND POLITICAL ACTIVITY

- A. All Commissioners must complete and abide by the Conflict of Interest Statement as required by Board of Supervisors' Resolution.
- B. Commissioners must abide by the Community Action Code of Ethics. Commissioners must complete the Ethics Training every two (2) years as required by California State Government Code, Title 5, Division 2, Part 1, Chapter 2, Article 2.4, 53235 (b).
- C. No person may sit on the Commission who:
  1. Is an employee of Monterey County Department of Social Services.
  2. Is a Federal or State employee whose capacity may require such person to act as an agent or an attorney for the Commission.
- D. Programs operated by the Community Action Partnership should be administered in a politically non-partisan manner. Commissioners should avoid actions which can reasonably be construed as intended to favor one political party or candidate over another.
- E. Program funds or County personnel may not be used in voter registration activities or with transporting potential voters to the polls. This does not preclude individual Commissioners from performing these acts as private citizens on their own time.

## **XVII. COMMISSIONERS MAY BE REMOVED FOR CAUSE**

### **A. Definition**

“Cause” is defined as any act which discredits the Commission or hinders the effective performance of the duties of the Commission. Such actions may include, but are not limited to:

1. No longer residing or working in the location required by their original appointment.
2. Having three (3) consecutive unexcused absences from regular meetings or six (6) total unexcused absences from regular meetings in any fiscal year. Absences may be excused by any current Commission Officer.
3. No longer having the authority to represent the group from which the Commissioner was originally selected.
4. Failing to disclose a potential conflict of interest.
5. Neglect of duty.
6. Committing an illegal act when representing the Commission that would be detrimental to the mission and reputation of the Commission.
7. Discourteous treatment of the public, other Commissioners, Service Providers, or employees of the Department of Social Services.

### **B. Pre-Removal Notification**

1. Prior to a petition for removal being initiated, written notification shall be sent by the Chair and Ex-Officio Secretary to the Commissioner indicating any concern which may lead to a cause for removal.
2. Corrective measures to prevent the cause for removal must be addressed by the Commissioner within 30 days of receipt.

### **C. Removal for Cause**

1. If corrective measures are not made to prevent a cause for removal, a petition for the removal of a Commissioner may be initiated by a majority vote of the Commission.
2. The Board of Supervisors has the authority to accept, modify, or reject the Commission’s recommendation.

### **D. Public Petition for Removal**

1. A petition for the removal of a Commissioner may also be initiated by a majority vote of the Commission.
2. The Board of Supervisors has the authority to accept, modify, or reject the Commission’s recommendation.
3. A petition for the removal of an appointed representative may be filed with the Commission by at least ten (10) people residing in the supervisorial district represented by the Commissioner. The petition should state the acts or omissions upon which the allegations are based, including dates and places such acts took place.
4. If the Commission finds the petition sufficient, a hearing officer shall be appointed within thirty (30) days of filing.

5. Within ten (10) days after notice of appointment, the hearing officer will set a date, time and place of hearing. At least twenty (20) days before the hearing, the subject Commissioner will be notified of the date, time and place of the hearing, and be given a copy of the petition.
6. The hearing will be conducted in the same manner as hearing appeals of disciplinary action taken against County employees.
7. At the conclusion of the hearing, the hearing officer will submit a record of the proceedings, recommended findings, conclusions and decision to the Commission. Within thirty (30) days after the filing of the hearing officer's report, the Commission will accept, modify or reject the report. In the event of rejecting the submitted report, the Commission may adopt its own recommendations on the issue.
8. The Board of Supervisors has the ultimate authority to accept, modify, or reject any recommendation from the public hearing or Commission.

#### **XVIII. PUBLIC AVAILABILITY OF DOCUMENTS**

Any Commission documents relating specifically to the activities of an agency for which federal funds have been provided will be made available to any person for inspection and examination, as provided by applicable federal, state, and local laws. Any meeting for which minutes were kept will also be available for public inspection, as well as any other records subject to the Public Records Act.

#### **XIX. AMENDMENT OF BYLAWS**

These Bylaws, having been adopted by the Monterey County Community Action Commission, shall be amended only by them, consistent with the Statement of Purpose contained herein, and the Resolution creating the Commission and Resolution No. 80-12, as amended. Revision of these bylaws requires approval by the Board of Supervisors.