

## 2.4 BOARD BY-LAWS

### RAPPAHANNOCK-RAPIDAN DIVISION OF COURT SERVICES

#### BYLAWS

October 1, 1982

Revised June 19, 2019

#### ARTICLE I - NAME

The program servicing the counties of Culpeper, Fauquier, Madison, Orange and Rappahannock, and the agency it creates, shall be known as the Rappahannock-Rapidan Division of Court Services.

#### ARTICLE II - AUTHORITY

##### Section 1. Joint Exercise of Power

The Rappahannock-Rapidan Division of Court Services was organized and exists pursuant to a Joint Exercise of Power by and between the Counties of Culpeper, Fauquier, Madison, Orange and Rappahannock and the Rappahannock-Rapidan Division of Court Services Board of Directors. This Joint Exercise of Power implements Sections 18.2-271.1 and 15.2-1300 of the Code of Virginia, as amended, and as so provided, is a public body with all the powers and duties granted to it by the Code of Virginia.

#### ARTICLE III - DEFINITIONS

##### Section 1. Terms

- (a) "Agency" means the Rappahannock-Rapidan Division of Court Services.
- (b) "Joint Exercise" means the Joint Exercise of Power.
- (c) "Participating Counties" means any of the governmental subdivisions being parties to the Joint Exercise.
- (d) "District" means all that area lying within the geographical boundaries of Planning District Nine.

- (e) "Year" means, unless otherwise noted, a one-year period beginning July 1 and ending the following June 30 and the fiscal year of the agency shall be by such year.
- (f) "Board" means the Rappahannock-Rapidan Division of Court Services Executive Board members appointed by the governing body of each of the participating counties.
- (g) "Commission" means the state agency established as the Commission on VASAP.
- (h) "Executive Director" means the person directly in charge of and accountable for the operation of Rappahannock-Rapidan Division of Court Services/District Nine VASAP.
- (i) "Program" means the Rappahannock-Rapidan Division of Court Services/District Nine VASAP.

## ARTICLE IV - PURPOSE AND OBJECTIVES

### Section 1.

The purpose of the Agency is to establish for the purpose of providing as ordered by the courts, probation, fine option, community service, community diversion (felon and misdemeanor); and also provide public information, probation, education, prevention and rehabilitation services for persons charged under the laws with operating motor vehicles while under the influence of alcohol.

## ARTICLE V - BOARD OF DIRECTORS

### Section 1.

The Board is the authority under which the Rappahannock-Rapidan Division of Court Services/District Nine VASAP program operates and as such controls and is responsible for maintaining program policies that are in compliance with the standards of the Commission on VASAP.

All members shall serve without compensation. Each of the participating Political Subdivisions shall appoint one or more members of the Board to serve a term of three (3) years. Members may continue serving subsequent terms at the pleasure of the appointing jurisdiction. The Board will fill interim vacancies as they occur subject to the approval of the appointing jurisdiction.

## ARTICLE VI - POWERS OF THE BOARD

### Section 1. The Board shall have the following powers:

1. To develop and recommend to the grantee for final approval all Program levels and operating policy in connection with the expenditure of such funds as may be available in any year's appropriation and /or collected net revenues, in such manner as deemed appropriate.
2. To oversee and be responsible to the grantee, within federal, state and local regulations, for the operation of the Program, giving due consideration to the needs of the participating political subdivisions for professional alcohol counseling supervision, driver education, and alcohol education and treatment services to persons charged with driving under the influence offense, and to service demand in fixing operation and staffing levels of the Program, in connection with which it shall have the power to recommend to the cash flow agent the expenditure of funds appropriated to and collected for it.
3. To appoint an Executive Director of the Program, fix his compensation and prescribe his powers and responsibilities as they are specified in and dictated by the official policies and procedures of the cash flow agent.
4. To contract with any person, corporation, or entity, public or private, for the furnishing of educational, analytic or alcohol treatment, worksites, or other Program services.
5. To contract with a participating jurisdiction or state governmental agency or department, as sanctioned by the Commission on Virginia Alcohol Safety Action Program and the Department of Mental Health and Mental Retardation for necessary administrative and maintenance services.
6. To promulgate a schedule in each year of fixed costs for maintenance of the Program equipment and basic staff, and of variable costs of operations depending on Program referrals.
7. To provide for the admission of Program referrals not having venue in a participating jurisdiction, on a fixed fee basis, and to fix, and from time to time alter, as necessary, such fees.
8. To establish a set of Bylaws of Administrative Policies for governing meetings, rules of procedures, and administrative/personnel affairs.
9. To provide for the making of an annual independent audit.

## ARTICLE VII - OFFICERS AND DUTIES

### Section 1. Officers

The officers of the Board shall consist of a Chairman, Vice-Chairman, a Secretary-Treasurer (the Secretary-Treasurer shall be the Executive Director of the Program and shall serve in an ex-officio capacity without a voting privilege), and such subordinate officers as may from time to time be elected or appointed by the Board. Each of said officers shall serve without compensation. Members shall hold the offices of Chairman and Vice-Chairman from different jurisdictions.

### Section 2. Terms of Office

Except for the original officers, each of the officers shall be elected at the annual meeting of the Board to serve for a term of three (3) years unless sooner removed by the Board, or until his successor be elected and qualify. The Board shall fill any vacancy occurring in any office for the unexpired term.

### Section 3. Election

The Board shall, at the regular meeting preceding the annual meeting at which the election of one or more officers shall be held, appoint a Nominating Committee of the board which will nominate candidate(s) for the office(s) to be filled and present these candidates to the Board for election at its annual meeting. Any member at the meeting at which the election is held may make further nominations. A quorum must be present and voting in order to constitute an election. All members shall take office on the first day of the month following their election and shall serve until their successors are installed in office.

### Section 4. Chairman

The duties of the chairman shall be:

1. To preside at all meetings of the Board and Executive Committee at which he is present, and to vote at said meetings as any other member.
2. To implement the policies established and the actions taken by the Board.
3. To appoint all committees deemed necessary for the operation of the Board and the effective implementation of the program.
4. To work closely and meet regularly with the Executive Director of the Program.
5. To perform any and all other duties as determined by the Board.

**6. To freely exercise all other powers and duties customarily pertaining to the office of Chairman of the Board.**

**Section 5. Vice-Chairman**

The Vice-Chairman shall, in the event of the death or absence of the chairman, or of his inability to perform any of the duties of his office or to exercise any of his powers, perform such duties and possess such powers as are conferred upon the Chairman, and shall perform such other duties as may from time to time be assigned to him by the Chairman of the Board.

**Section 6. Secretary-Treasurer**

The Secretary-Treasurer of the Board shall be the Executive Director of the Program. He shall attend all Board and standing Committee meetings, and keep a record of their proceedings, which shall be a public record, and copies of which shall be mailed or sent by electronic transmission with the notice of the next succeeding regular meeting of the Board or its Standing Committees. He shall: (1) generally review and keep abreast of all the books and accounts of the Program, and (2) keep accurate record of the regular meeting of the Board and shall submit an annual report as soon as practicable after the end of each year; and shall perform all other duties incident to this office or that may be required of him by the Board. The Secretary-Treasurer may, with the permission of the Board, delegate certain of his duties and responsibilities to the staff of the program.

**ARTICLE VIII - MEETING AND VOTING**

**Section 1. Regular Meetings**

- (a) The Board shall meet quarterly with the meeting held prior to the beginning of each fiscal year designated as the annual meeting. Members shall be notified in writing or via electronic transmission as to the date, time and location of the meetings. The Board may change the date and time of any regular meeting at any prior meeting and may adjourn any meeting from time-to-time to another place.
- (b) The order of business at all regular meetings shall be as follows: (1) call to order, (2) roll call, (3) approval of minutes, (4) director's report, (5) unfinished business, (6) new business, and (7) adjournment.
- (c) Regular meetings of the Board shall be open to the public and the dates and times of such meetings shall be publicized at the Rappahannock/Rapidan Division of Court Services/District Nine VASAP office.

(d) The Board or its Executive Committee may, where appropriate under the law, go into Executive Session.

Section 2. Special Meetings

Special meetings may be called by the Chairman at his discretion or by any two (2) Board members upon forty-eight (48) hours notice to all members in writing, by telephone or by electronic transmission of the time, place and purpose of the special meeting.

Section 3. Quorum

A simple majority of three (3) of the five (5) members shall be considered a quorum.

Section 4. Voting

Each board member shall be entitled to one vote on official matters before the Board. All actions of the Board may be taken by a simple majority vote of all members by proxy or present and voting. No vote by any member shall constitute or be construed as an official or un-official commitment of the participating counties within which that member resides or which he has been duly chosen to represent.

## ARTICLE X - STANDING COMMITTEES

Section 1. Administrative Committees

The Chairman of the board may establish such committees (Personnel, Nominating, Bylaws, etc.) as are considered necessary to carry out the organizational responsibilities of the Board.

## ARTICLE XI - ANNUAL REPORTS

An annual report shall be prepared by the Director summarizing the program's activities and financial status. Said report shall be presented to the Board for approval. The approved report shall be published to the Commission on VASAP, all participating political subdivisions, Courts and Commonwealth's Attorney's offices.

## ARTICLE XII - ADMINISTRATION

Section 1. Director

The chief executive officer of the staff shall be the Director. He shall be selected and hired by the Board. He shall have direct supervision of all of the other employees of the Program and direct control, subject to the authority of the Board, of the management of the affairs of the Program.

## Section 2. Staff

The Director shall employ a staff of qualified professional and other persons, pay to them such compensation, as the Board shall deem necessary and advisable to ensure that it is able to carry out its duties and effectively implement its projects, programs and other functions.

## Section 3. Duties of the Director

In addition to being the Agency's chief source of professional guidance and initiator of worthy considerations, the duties of the Director shall be, but not limited to:

- (a) Maintain and manage the business office of the Program.
- (b) Be custodian of all Program property and records.
- (c) Conduct the correspondence of the Program.
- (d) Assist the Board and its officers.
- (e) Administer all programs and projects adopted by the Board.
- (f) Prepare quarterly and annual progress and financial reports for submission to the Board.
- (g) Administer the financial resources of the organization as prescribed by the Board.
- (h) Create and maintain public interest and support for activities in the area of alcohol abuse as it affects the public good with specific attention to its effect on highway safety.
- (i) Monitor and evaluate the programs with whom the Board has contractual agreements for the delivery of alcohol diagnostic, educational or treatment services.
- (j) Participate in the coordinate program planning and development of alcohol services among District level public and voluntary agencies whose primary concerns are in related fields such as welfare, health, employment and recreation.
- (k) Keep abreast of emerging program developments, of available resources and of legislative actions affecting the alcoholic and the drinking driver and disseminating such information to appropriate agencies and professional persons.
- (l) Issue reports and serve as Secretary for meetings of the Board and its standing committees.

(m) Be responsible for the supervision and direction of all employees.

(n) Perform such other duties as the Board may delegate.

**Section 4. Execution of Instruments**

The Director, upon specific authorization by the Board, shall have the power to sign in its behalf any agreement or other instrument to be executed by the Board. Unless otherwise provided, he shall sign vouchers in payment of obligation incurred by the Program in the name of the Board.

**ARTICLE XIII - FINANCES**

**Section 1. Budget**

- (a) The Board shall be responsible for the approval of an annual operating budget.
- (b) The annual budget shall show proposed cash outlays for all operating expenses, capital equipment and improvements.
- (c) The operating budget shall give credit for goods and services furnished in-kind by a participant, agency, group or individual, at such fair value to the Program as may be mutually agreed upon.

**Section 2. Revenues**

Revenues for the operating budget shall be provided through the collection of referral fees from participants and shall include all gifts, bequests, grants, loans or payments from any source for the purpose of driver alcohol education, community service and driver improvement.

**Section 3. Disbursements**

The Director and/or the Chairman may disburse only expenditures authorized in the annual operating budget and the Rappahannock-Rapidan Division of Court Services/District Nine Virginia Alcohol Safety Action Program Policies and Procedures Manual.

**Section 4. Authorized Payments**

The Director, the current appointed Board member from Culpeper County and/or the Chairman shall sign all payments.

**Section 5. Insurance**

The Board shall cause proper liability insurance to be issued covering each of the members of the Board and its employees.

**Section 6. Capital Assets**

The Program may own or lease necessary real or personal property as approved by the Board.

**ARTICLE XIV - DURATION AND TERMINATION**

**Section 1. Duration**

The Program shall exist in perpetuity. In the event the Program is not fiscally self-sustaining the governing bodies of any participant desiring to withdraw may do so upon written notification to the Program's Chairman of the Board of its intent to withdraw.

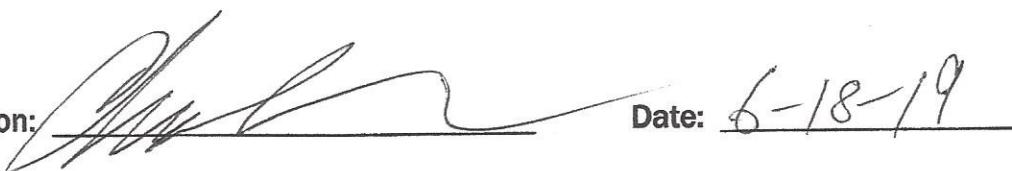
**ARTICLE XV - AMENDMENTS**

**Section 1. Amendments**

Any proposed amendment, repeal or alteration, in whole or in part of these Bylaws shall be made at any meeting of the board by an affirmative vote of two-thirds of those members present and voting, provided notice of all proposed amendments shall have been mailed to the members of the Board at least fifteen (15) days prior to such meetings.

Approved/Accepted by policy Board

Chairperson:



Date:

6-18-19