

# **JUNIPER HILLS TOWN COUNCIL BYLAWS**

*Revised May 4, 2011*

## **ARTICLE 1. NAME**

The name of this organization shall be the JUNIPER HILLS TOWN COUNCIL, hereinafter called "Council".

## **ARTICLE 2. AUTHORITY**

The Juniper Hills Town Council derives its authority from the "CHARTER OF THE JUNIPER HILLS TOWN COUNCIL," hereafter called "CHARTER." The CHARTER is included as Attachment 1, and takes precedence over these bylaws.

## **ARTICLE 3. AMENDMENTS TO BYLAWS**

These bylaws may be amended at any regular or special meeting of the Council by an "aye" vote of five members, provided that written notice of the amendment was given to all Council members at the previous regular meeting or via email at least one week prior to the next regular meeting, with the stipulation that acknowledgement of receipt via email is received from at least five members.

## **ARTICLE 4. COUNCIL IS NOT A LAWMAKING BODY**

The CHARTER does not impart any authority to the Council over any person or group. Having been elected by the Juniper Hills community, the Council is authorized to represent the community in public matters, in accordance with the Charter.

## **ARTICLE 5. STRUCTURE AND OFFICES OF THE COUNCIL**

1. The Council may be a nonprofit corporation consisting of seven members elected pursuant to the CHARTER.
2. A quorum shall consist of that number which is equal to one-half (50 percent) of the then-serving members of the Juniper Hills Town Council, but in no event shall less than three (3) members constitute a quorum.
3. At its first meeting after their election to the Council, the Council members shall elect their officers. The officers of the Council shall be President, Vice President, Secretary, Treasurer, and Parliamentarian. However, in the event that no acting Council Member wishes to serve as Parliamentarian, or in the event that a volunteer from among the residents of Juniper Hills is more qualified to serve as such, the Council may appoint the volunteer to serve as Parliamentarian. Any volunteer so appointed shall serve only in the role of Parliamentarian and shall have no right to vote on matters before the Council nor to participate in Council proceedings, except as provided in Article 5, Paragraph 8 below.
4. The President shall conduct each meeting of the Council in accordance with Robert's Rules of Order. As presiding officer, the President shall prepare the agenda, maintain the schedule, and ensure that the issues and concerns of the community are addressed in an orderly manner.
5. The Vice-president shall assume the duties and responsibilities of the President in the absence of the President. The Vice-president may be assigned, and may accept, other duties on the council, with concurrence of a majority vote of the members of the Council.
6. The Secretary, as the recording officer of the Council shall serve as custodian of the records, except those assigned to other officers. The Secretary shall maintain one book containing the Charter, Bylaws, Amendments, and Rules available for public inspection at Council meetings. The Secretary shall prepare and certify the correctness of the minutes of each and all regular, special, and/or emergency meetings, and shall enter them in the Minutes Book. Other duties include notifying Council members of special and regular meetings, bringing to Council meetings the Charter, Bylaws, Amendments, Rules, Minutes Book, a copy of accepted policies and procedures and rosters of any standing and special committees or panels. The Secretary shall conduct correspondence of the Council, initiate letters and other material of public information, as authorized by the Council, for distribution to the community and for notification to others. Acting as Historian, the Secretary shall maintain files of written reports and be responsible for maintaining any historical records.
7. The Treasurer shall receive authorized funds, hold moneys, conduct banking activities, and maintain pertinent financial books and records, with source documents. No funds shall be disbursed except upon the authorization of the Town Council. The Treasurer shall report the financial status of the Council at each Council meeting, and shall present books and records for public inspection as directed by a majority of the Council members.

8. The Parliamentarian shall advise and assist the President as necessary as to the appropriate procedures to be followed in the conduct of the Town Council meetings in accordance with Robert's Rules of Order. Also, the Parliamentarian shall respond to any questions regarding the appropriateness of any action to be taken by a Committee and shall render a decision to the Committee as to such appropriateness. In the event of the unavailability of the Parliamentarian, the Town Council President shall perform this function; if the President is unavailable, the Town Council Vice-President shall act as the alternative; if the Vice-President is unavailable the Secretary shall so serve, and so on.

## **ARTICLE 6. MEETINGS**

1. Every effort shall be made to hold all Council meetings in a public building or area. All council meetings shall be open to public in a manner consistent with the Brown Act.

2. Regular meetings shall be convened by the Council at least quarterly. The time and place of regular meetings shall be determined at the same meeting in which the officers are elected. Each Council member shall be notified of the time and place by the Secretary. Any member of the community wishing to have an item considered for placement on the agenda should contact the President of the Council.

3. Special meetings to consider a single topic shall be called by the President not later than two weeks after receiving a petition from four Council members. The President may be one of the four petitioning members. The petition shall specify the topic. All members and Alternate Members must be notified by the President of the time and place of the meeting, and of the topic to be considered. The special meeting shall be limited to the announced topic.

4. Emergency meetings to consider a single topic shall be called by the President not later than one week after receiving a petition from four Council members. The President may be one of the four petitioning members. The petition shall specify the topic. All members and Alternate Members must be notified by the President of the time and place of the meeting, and of the topic to be considered. The emergency meeting shall be limited to the announced topic.

5. To ensure availability to the community, the agenda of both regular and special meetings shall be posted in designated places to be determined by the Council. The agenda shall be posted on the Web Site at least three days before any meeting. Written copies shall be made available to attendees at the beginning of each meeting.

6. Alternate Members are encouraged to attend all regular, special, and emergency meetings.

7. Representatives of all community groups, business organizations, and interested individuals are encouraged to attend all meetings, and will be given an opportunity to be heard. Anyone wishing to speak will be asked to complete and sign a "Request to Address the Council" form.

8. Closed sessions, that is, sessions which deal with personnel or legal matters, may be held as deemed necessary by the President or by a majority vote of the Council members. Such meetings may be announced in any appropriate manner.

9. In the event that an emergency issue arises that is of importance for the benefit to the Juniper Hills community and which needs to be addressed and a decision reached before the next regularly-scheduled Council Meeting, a "virtual" meeting may be had by e-mail communications among the Council Members. The decision shall be made by a simple majority vote of the Council members. The matter must be placed on the agenda of the next regularly-scheduled Town Council meeting and must be entered into the minutes of that meeting.

## **ARTICLE 7. RULES OF ORDER**

The Council shall operate in accordance with Robert's Rules of Order, revised, 9<sup>th</sup> edition, or the most recent subsequent revised edition. It is noted that Robert's Rules provide for less formal rules of order for small organizations, such as a seven member board and small committees.

## **ARTICLE 8. ELECTIONS AND INSTALLATIONS**

1. Town Council elections shall be held each year the first Tuesday following the first Monday of November. The installation of newly elected Council members shall be during the December Council meeting. If there are a sufficient number of candidates, the unsuccessful candidate with the highest number of votes shall be recognized as the first official Alternate Member; the unsuccessful candidate with the next highest number of votes shall be recognized as the second official Alternate Member; and so on.

2. All Council members shall be elected to serve for two years. In even-numbered years, four members shall be elected; three shall be elected in odd-numbered years. The term of official Alternate Members is for one year.

3. Council officers shall be elected by the Council for terms of one year. Election of officers shall take place during the December Council meeting following the Council election. The Election Committee Chair shall be installed by the Council President at the Council meeting next following the selection of the Election Committee Chair.

4. All Council members shall be installed every year and, at that time, they shall formally affirm that they will abide by the Charter and by the Code of Conduct defined herein. The Chair of the Election Committee shall also affirm that he/she will abide by the Voting Procedures of the Council Bylaws.

5. Elections shall be in accordance with the California Election Code in existence at the time of voting.

## **ARTICLE 9. COUNCIL VACANCIES**

Where a Council vacancy arises, the first runner-up in the previous election shall be asked to fill the vacant term of office. Should that person refuse, the second runner-up shall be asked, etc. Offers shall be made in writing, with a two week time limit for acceptance. Should there be no such runners-up or should none accept, the Town Council shall, by a majority vote, appoint an eligible resident of Juniper Hills to complete the unexpired term(s) created by the vacancy(ies).

## **ARTICLE 10. CODE OF CONDUCT FOR COUNCIL MEMBERS AND COMMITTEE MEMBERS**

1. Council members and committee members shall conduct themselves at all times in accordance with the requirements of the CHARTER. No person who has been convicted of a felony shall be eligible to run for or to continue to hold office as a Town Council Member or as a member of the Election Committee.

2. Absenteeism amounting to three out of any six consecutive regular meetings without an excuse acceptable to the majority of the Council shall indicate an inability to serve or a lack of interest in serving. The seat of that person shall be declared vacant.

3. Council members shall not imply either in verbal or written communications that they speak for the Council unless: a) they are expressing a previously established Council position, b) they have specific authority from at least four Council members during a meeting (regular, closed or special) relating to that specific subject, or c) they are Council committee chairs where the position of the committee has been endorsed by a majority of the Council.

4. When Council members communicate as individuals outside the Council on matters which might properly come before the Council, they shall make clear that they are speaking as individuals, and not for the Council. When Council members and committee chairs intend to communicate Council decisions and positions, the President shall be informed of their intent to so communicate, and such communications shall be accurate representations of those Council decisions and positions.

5. Council members shall not make statements which deliberately distort the position of the Council or other Council members. Council members shall not engage in unlawful practices, misappropriate funds, vote on items where they have a conflict of interest, or conduct activities which are intended to undermine the effectiveness of the Council. When conducting Council business, Council members shall behave in a professional manner.

6. All written correspondence from the Council or its committees or subcommittees shall be signed by the Council President or his specific designee; and a copy shall be given to the Secretary.

## **ARTICLE 11. HEARING FOR THE PROPOSED DISCIPLINE OR REMOVAL OF COUNCIL MEMBERS OR COMMITTEE CHAIRS**

1. Council members or committee chairs may be disciplined by the Council when they are found to be in violation of the Code of Conduct.

2. Members or committee chairs may be alleged to have committed a violation of the Code of Conduct in one of two ways:

- a. In public during an open Council meeting.
- b. In private during a closed session.

Where the allegation is made in public during an open Council meeting, the President shall announce (or a motion may be passed) the convening of a Council hearing; where the allegation is made in private, the President shall convene a private Council hearing and shall make no public announcement at the time.

3. Evidence of allegations shall be heard at closed hearings conducted by the Council. These hearings shall be held in the strictest confidence. Only if requested in writing by an accused person shall any of the proceedings be made public.

4. The review of evidence, and decisions concerning whether or not the allegations are true shall require the presence and the agreement of at least five members of the Council.

5. Discipline shall be as defined under Article 12.

6. If, after hearing all evidence, the Council decides that the person so accused is not warranting of any discipline, then none shall be taken. The President shall announce at the next regularly scheduled Council meeting that a hearing had been conducted and that no further action was required. The name of the accused and the allegation shall not be mentioned if the allegation had been made in private; if the allegation had been made in public, the name of the accused and allegation shall be announced. Only if requested in writing by the person accused shall details of the allegation be made public.

7. Following the decision to discipline or remove a member in accordance with Article 12, the President shall announce at the next regularly scheduled Council meeting that a decision had been made. The name of the member and the Discipline/removal decision shall be released at that time, but no other details shall be released unless the accused requests in writing that there be such a release.

## **ARTICLE 12. DISCIPLINE OR REMOVAL OF COUNCIL MEMBERS AND COMMITTEE CHAIRS**

1. Discipline may consist of a request for an apology from the member or censure of the member.

2. Removal of a Council member or committee chair is an extreme action and, recognizing that the voters elected Council members, this action can be undertaken only after it is established that either a criminal offense was committed or that a violation of the Code of Conduct was so serious as to warrant drastic action.

3. If removal of a Council member is deemed necessary, then the member shall be replaced in accordance with Article 9. A committee chair may be removed by the Council. The action taken by the Council shall be announced publicly.

4. Should the accused tender resignation the entire matter shall end at that time. The vacancy created by resignation shall be filled in accordance with Article 9.

5. A member of the Juniper Hills Town Council shall be removed from the Council by a majority vote of the Council members in the event that either one of the following occurs:

- (a) The Town Council member has failed to maintain his or her primary place of residence and domicile within the geographical boundaries of the Juniper Hills Town Council.
- (b) The Town Council member has failed to maintain his or her status as a registered voter residing within the geographical boundaries of the Juniper Hills Town Council.
- (c) The Town Council member has been convicted of a felony.

## **ARTICLE 13. ELECTION COMMITTEE**

The Election Committee shall be formed at least six months prior to the election date, and shall operate in accordance with the CHARTER with the following clarifications:

1. The Election Committee chair shall be selected by the Council, and shall be installed by the Council President. In the absence of volunteers from the community to serve on the Committee, a Town Council member not up for election shall volunteer to form the Committee.

2. The Election Committee shall conduct community elections in accordance with the Voting Procedure specified in these bylaws.

3. The Council shall control all finances of the Election Committee and shall approve all decisions to expend funds.

4. The Election Committee shall respond to Council requests to perform tasks defined in the Charter, and shall report in writing to the Council on Election Committee activities and financial status.

5. The Election Committee shall abide by the Charter, by the Code of Conduct, and by the Voting Procedure in the Charter.

6. As long as the Election committee abides by the above, it may not be interfered with by the Council.

## **ARTICLE 14. EMERGENCY PREPAREDNESS COMMITTEE (AKA You're On Your Own)**

1. The YOYO Committee shall be formed as a Standing Committee, whose responsibility is to provide guidance and help to the residents of Juniper Hills in preparation for an Emergency, Disaster or Fire.

2. The Committee shall select its own chair.

3. The YOYO Committee shall control all finances of the Committee and shall approve all decisions to expend funds, with all funds being held by the Treasurer of the Council.

4. The YOYO Committee shall provide a written report at each Council Meeting.

**ARTICLE 15.**  
**OTHER COMMITTEES**

1. Committees shall be created and dissolved by the council as needed. Committee chairs shall be appointed by the President with the concurrence of a majority of the Council in attendance, subject to quorum requirements. Committees shall conduct themselves in accordance with the Code of Conduct.
2. Committees may serve as Council focal points for the collection of information for the Council. Committees may deliberate, investigate, and/or take action, upon authorization by the Council.
3. Committees shall make written reports to the Council of all meetings. These reports and any committee recommendations to the Council shall be in writing and shall be filed by the Secretary.