

**TEXOMA COUNCIL OF GOVERNMENTS
CRIMINAL JUSTICE ADVISORY COMMITTEE**

BYLAWS

Adopted January 12, 2016

ARTICLE I

NAME

The name of this body shall be the Texoma Council of Governments Criminal Justice Advisory Committee [“CJAC”].

ARTICLE II

AUTHORITY

The Criminal Justice Advisory Committee is created by the Texoma Council of Governments [“TCOG”] in accordance with the Texas Administrative Code (Title 1, Part 1, Chapter 3) [“1 TAC 3”] and an interagency agreement with the Office of the Governor, State of Texas, Criminal Justice Division [“CJD”] to perform those activities related to criminal justice grants and planning directed by the Texas Administrative Code and those agreed to in the interagency agreement between TCOG and CJD.

ARTICLE III

ACTIVITIES

In accordance with 1 TAC 3, the primary functions of the CJAC are (1) to participate in the grant application selection process as described in 1 TAC 3.7 in the TCOG Service Region (Cooke, Fannin, and Grayson Counties) [“Region”]; (2) to assist TCOG in carrying on a continuous planning program to identify criminal justice problems in the Region; (3) to determine the criminal justice needs of the Region; (5) to analyze the existing criminal justice systems and available resources in the Region; and, (6) to establish goals, priorities and/or a strategic vision for the development of services and programs as related to criminal justice throughout the Region.

ARTICLE IV

MEMBERSHIP

- A. Membership. The membership of the CJAC shall be composed of up to 25 persons representative of criminal justice interests as prescribed by CJD in the interagency agreement by and between CJD and TCOG which states that: “The CJAC’s membership must include individuals from the following groups/disciplines: citizens or parents, drug abuse prevention, education, juvenile justice, law enforcement, mental health, nonprofit organizations, prosecution/courts, and victim services.” No single group will represent more than one-third (1/3) of the total membership of the CJAC. Members so elected shall be confirmed by the TCOG Governing Body before assuming their place on the CJAC.
1. Membership shall consist of no more than:
 - a. Eight (8) representatives of Cooke County
 - b. Eight (8) representatives of Fannin County
 - c. Nine (9) representatives of Grayson County
 2. The TCOG Criminal Justice Coordinator shall serve as an ex-officio member of The CJAC and shall perform the necessary staff functions to support the CJAC’s activities.
- B. Terms. Terms of membership for all elected CJAC members shall be three (3) years.
1. Members may be re-elected to serve additional terms.
 2. Terms of membership shall begin January 1 of each year and end December 31 of the third year following the beginning of the term.
 3. Members who are absent from three (3) consecutive meetings will be automatically removed from CJAC membership.
 4. A member may resign at any time by submitting a written notice to the CJAC Chair.

5. Each Member may appoint in writing an alternate who shall be authorized to function at CJAC meetings in the member's absence.
 6. Members appointed by the Chairperson to complete unexpired terms shall serve until the term that would have been served by the Member being replaced is complete.
- C. Officers. Officers of the CJAC shall consist of a Chairperson and a Vice-Chairperson.
1. Officers will be elected by the Membership and will serve for a two (2) year period, provided that their membership in the CJAC is maintained throughout their term of office.
 2. Elections for Chairperson and Vice-Chairperson will take place every two years at the regularly scheduled CJAC meeting held in December, while the CJAC is in session, with a quorum of the membership present.
 3. Officers so elected must be approved by the TCOG Governing Body.
 4. No person can be appointed as Chair or Vice-Chair for more than two consecutive terms.
 5. Officers shall begin their term of office on January 1 of the year immediately following their election.
- D. Duties. The following constitute the duties of CJAC officers:
1. The Chairperson shall:
 - a. Preside at all meetings of the CJAC;
 - b. Call special meetings of the CJAC;
 - c. Appoint persons to the CJAC nominating committee;
 - d. Appoint persons to complete terms of Members who leave the CJAC before their term of office is completed;
 - e. Create temporary sub-committees as the need arises to perform specific tasks related to the business of the CJAC;
 - f. Appoint members of the CJAC to special sub-committees at his/her discretion; and,
 - g. Review appeals of CJAC decisions.
 2. The Vice-Chairperson shall, during the absence or incapacity of the Chairperson, act as Chairperson of the CJAC, and when so acting, shall have all the duties, responsibilities, powers, and privileges of the Chairperson.
 3. In the event of a vacancy in the position of any officer, the CJAC will elect, by a majority of those present, a replacement no later than the next regularly scheduled meeting of the CJAC, following notification that such vacancy exists. The recommendation of the CJAC shall be forwarded to the COG Governing Body for action at their next regularly scheduled meeting.
- E. Nominating Committee. The Chairperson of CJAC will appoint a Nominating Committee at the regularly scheduled CJAC meeting in October, or at the next CJAC meeting thereafter, of each year.
1. The Nominating Committee of the TCOG CJAC shall consist of five (5) members
 - a. Chairperson
 - b. Vice-Chairperson
 - c. Three additional persons can be appointed by the Chairperson from CJAC membership, Governing Body membership, staff, or concerned citizens.
 2. Equal representation.

- a. The Chairperson and Vice-Chairperson must be residents of different counties within the Texoma Region.
 - b. Additional members of the nominating committee shall be chosen as follows: one representative of Cooke County, one representative of Fannin County, and one representative of Grayson County.
3. Duties.
 - a. Each year a nominating committee will be responsible for nominating applicants to be elected to serve on the CJAC.
 - b. The nominating committee shall nominate potential members in such a manner as to assure the continued diversity of membership established in Article IV (A).
 4. Vacancy. In the event a member of the nominating committee resigns, the Chairperson of the CJAC shall appoint a replacement for the remainder of the term.
- F. Conflict of Interest. All applicants for grants or other public funds from any source processed through or by the CJAC, have the same rights and privileges and are subject to uniform and equitable review processes. Therefore, the following Conflict of Interest policy shall apply:
1. Members of the COG's governing body, the CJAC, and COG staff must abstain from reviewing, voting, commenting, or taking any action on any grant application, other than one submitted by a COG, during the prioritization process if the member or an individual related to the member within the third degree of consanguinity or within the second degree of affinity:
 - a. Is employed by the applicant agency and works for the unit or division that would administer the grant, if awarded;
 - b. Serves on any board that oversees the unit or division that will administer the grant, if awarded;
 - c. Owns or controls any interest in a business entity or other non-governmental organization that benefits, directly or indirectly, from activities with the applicant;
 - d. Receives any funds from the applicant as a result of the grant, if awarded; or
 - e. Uses or receives a substantial amount of tangible goods, services or funds from the applicant.

If any applicant, CJAC member, COG personnel or other individual has reason to believe that favoritism or inappropriate actions were displayed during the scoring or prioritization of CJD, the COG shall ensure that the concerns are shared with CJD as soon as possible.

2. These conflict of interest provisions do not apply if the member is an elected official.

ARTICLE V

MEETINGS

- A. The CJAC shall meet as often as necessary to accomplish CJAC business.
 1. Regular meetings to conduct the business of the CJAC shall be called by the Chairperson.
 - a. Application Review and Prioritization Meetings will be scheduled as needed to fulfill CJD deliverables.
 - b. Business Meetings. Any necessary business may be conducted at any CJAC meeting properly called by the Chairperson.
 2. Discretion. The Chairperson of the CJAC may, at his or her discretion, reschedule any CJAC meeting.
 3. Special Meetings.
 - a. The Chairperson of the CJAC reserves the discretion to call special meetings of the CJAC at any time.
 - b. The TCOG Governing Body reserves the right to call special meetings of the CJAC at its discretion.
 - c. CJD reserves the right to require a special meeting of the CJAC at its discretion.
 - d. Special meetings and votes may be conducted using electronic means.

4. Notification.
 - a. CJAC members will be notified at least ten (10) days in advance of a regular meeting, with such notice including the date, time, place and items to be discussed.
 - b. In the event of a special meeting, members will be notified at least a seventy-two (72) hour notice and the only subject(s) for which the meeting was called can be acted upon.
 - c. Notice may be affected by posting on the TCOG criminal justice web site and by sending email to an address previously provided by a CJAC member.
5. Quorum. For all matters, a quorum will consist of a simple majority of the currently appointed membership of the CJAC at the time of the meeting
6. Open Meetings. All TCOG CJAC and Governing Body meetings in which CJD business is discussed will be held in compliance with the Open Meetings Act. CJAC meetings are open to the public and the public will be notified in accordance with Chapter 551, Government Code.
 - a. TCOG will document all CJAC proceedings related to CJD business by recording the CJAC proceedings.
 - b. TCOG will maintain all scoring sheets, prioritization documents, minutes, grant applications and recordings of meetings for a period which shall be not less than three years.
7. Orderliness: Meetings will be conducted in accordance with Robert's Rules of Order.

ARTICLE VI

Grant Application Process

The following policies and procedures are established for the purpose of defining the rules and regulations that will govern the application process in all funding streams controlled by the Criminal Justice Division (CJD) of the Governor's Office as outlined in the Interagency Agreement by and between CJD and TCOG as it relates to the TCOG/CJAC. All policies, rules, and regulations set forth in this document are in compliance with Texas Administrative Code (Title 1, Part 1, Chapter 3).

A. Training.

1. Applicants for CJD funding in the Texoma Region are required to attend a mandatory grant application or grant administration workshop on an annual basis. Applicants are required to present a synopsis of the project and be available to answer questions at the CJAC application prioritization meeting. CJD awarded grantees may be required to attend a mandatory post-award grant management workshop on an annual basis.

Exception:

- a. Mandatory attendance may be waived by the Criminal Justice Coordinator.
- b. If attendance at the regularly scheduled workshop/meeting is not possible for an applicant, the applicant must contact the COG planner prior to the workshop/meeting to secure the required training in another manner.

B. Pre-Application

1. TCOG shall notify current grantees and other requestors in the region of the availability of current CJD grant applications.
2. TCOG shall inform current grantees and other requestors of the availability of relevant TCOG policies and bylaws, and shall provide such policies and bylaws to current grantees and requestors upon request.

C. Technical Assistance.

1. Any applicant or potential applicant is encouraged to request technical assistance from the COG planner prior to submitting applications for funding.

D. Deadlines.

1. Application deadlines for Texas will be set by the Criminal Justice Division, Office of the Governor on an annual basis. Deadlines for application submission will be made available to applicants on the Governor's website: <https://www.cjdonline.governor.state.tx/>
2. Applications for funding must be received by the Criminal Justice Division, Office of the Governor, as directed by that agency.

ARTICLE VII
APPLICATION REVIEW

A. Review process:

1. Review. All applications received in the Texoma Region will be reviewed by TCOG criminal justice program personnel to determine overall eligibility of the application and integrity of necessary documents prior to presenting applications to the Texoma CJAC for their review.
2. Documentation. Criminal justice program personnel and/or members of the CJAC may request any additional information from the applicant agency that will assist in determining the eligibility of an application and/or the grant administration capacity of the applicant agency. This request may be made at any point in the application or administration process. Failure to comply with requests for additional information may result in the application being deemed "not recommended" for funding.
3. Scoring. All applications that are presented to the CJAC for scoring shall be duly processed and each grant application will be scored by the CJAC, using an approved scoring instrument. The approved scoring instrument will be provided to applicants prior to the review process. A minimum average score of 60 will be required of any grant application in order for that grant application to be recommended for funding. Only the scores of those CJAC members participating in person at the meetings established for prioritization of applications shall be used to determine the overall score assigned to an application. In the event of a tie score when the projects are totaled, staff will delete the high score and low score until the tie is broken.
4. Discretion. CJAC reserves the right to recommend an amount less than the requested amount of any application. Additionally, CJAC reserves the right to deny specific line items in any grant application. CJAC may ask for justification of specific line items in any application and deny recommendation for any line item in any application. Additionally, CJAC may request that an applicant reduce the amount requested in an application in order to stay within the Reasonable Budget Expectations for the Region.
5. Application Funding Cycle. Grant applications are submitted for one year of funding and there is no limit to the number of years in which a potential grantee may apply for funds. CJAC and TCOG will review all applications received annually on an equal basis. In accordance with CJD policy, CJAC and TCOG make no commitment that a grant, once funded, will receive priority consideration for subsequent funding.
6. Review by the TCOG Governing Body. All recommendations of the CJAC will be reviewed by the TCOG Governing Body. If the Governing Body approves the recommendation of the CJAC, the TCOG Governing Body will make recommendation to CJD for funding. Final decisions for funding remain the discretion of CJD.
7. Submission to CJD. All grant applications reviewed by the Texoma CJAC and recommended for funding will be submitted to the office of the Governor Criminal Justice Division as specified by CJD.

8. Notification. To facilitate communication, all applicants are required to provide a valid email address at which they can receive notices concerning their application and the overall grant process. All grant applicants shall be notified by email within ten working days of the prioritization meeting of:
 - a. The final score for their grant application;
 - b. Final rankings for all applications reviewed at the meeting; and,
 - c. Recommendation status of their application.
9. Applicants whose applications are not recommended for funding will be notified by TCOG personnel in the above manner. This notification will serve as formal notification of denial for funding.
10. Notice of awards received by TCOG from CJD will be forwarded to the grantee within two days of receipt by TCOG of notice from CJD, should such notice be given to TCOG.

ARTICLE VIII

PERFORMANCE REQUIREMENTS

- A. Grant performance review. All grants that are recommended for funding by the Texoma CJAC and funded by CJD will be subject to yearly review. Additionally, all grantees must comply with the grant activity reporting requirements of the Public Policy Research Institute, Texas A&M University, or other organization designated by CJD.
- B. Revocation of Recommendation. Any grantee that fails to meet performance goals of a grant funded project may be subject to revocation of recommendation for funding at any point in the grant cycle. Grantees that fail to submit annual audits or performance reports in a timely fashion may be subject to revocation of recommendation.
- C. Discretion. The Texoma CJAC reserves the right to review progress and administration capacity of any grantee that has been recommended for funding by the CJAC. In order to provide oversight of grants in the Texoma region the TCOG, CJAC reserves the right to request any information necessary to ensure that funds are being appropriately administered by grantees.

ARTICLE IX

APPEAL PROCESS

- A. Right to appeal. Grant applicants and other persons who come before the CJAC, have the right to appeal any decision of the CJAC.
- B. Procedure. Applicants wishing to appeal a CJAC funding recommendation must follow this process:
 1. Within ten (10) working days of notification of the results of prioritization, or any decision of the CJAC, appellant must notify the chairperson of the CJAC in writing of their desire to appeal the decision of the CJAC. Appellant should include any relevant documentation as to the justification of an appeal:
 - a. Written statement of appellant agency indicating the suspected reason or reasons that the grantee did not have the same rights and privileges as are offered to all applicants.
 - b. Written justification with supporting documentation to appeal a denied line item or grant request reduction. Include any relevant documentation.
 - c. Written justification and request for review and re-scoring of an application that failed to score the minimum amount of 60 points (average) in order to be recommended.
 - d. Written request for review of any determination of the CJAC.
 2. Determination of cause. Upon receipt of the written request of the agency, the Chairperson of the CJAC shall determine if there is just cause for scheduling an emergency meeting of the full CJAC in order to review the appeal.
 3. Notification. The Chairperson shall notify the appellant agency in writing, within ten (10) working days of the receipt of the appeal that either:

- a. The appeal will be heard by the full CJAC, including date and location of review; or,
 - b. The Chairperson determines that the appeal does not need to be heard by the full CJAC.
4. Discretion. At the time of review by the full CJAC of any appeal, the CJAC reserves the right to require that the appellant agency supply them with any documentation necessary to assist the CJAC in their review.
 5. Equitable review. The full CJAC (or a quorum thereof) will hear appeals as requested by the Chairperson of the CJAC.
 6. Finality of decision. Appeal decisions are final and no applicant may appeal the final decision of the CJAC to the CJAC. However, applicants may lodge a secondary appeal as described in Section 8 below.
 7. Where to Appeal. Appeals may be made in writing to:
 - Chairperson
 - TCOG/ CJAC
 - 1117 Gallagher
 - Sherman, Texas, 75090
 8. Secondary Appeal. Applicants may appeal the decision of the CJAC to the TCOG Governing Body. When an appellant follows the appeal process outlined herein, and is not satisfied with the outcome, they have the right to appeal to the TCOG Governing Body.
 1. Appeals should be made, in writing, to the President of the TCOG Board of Directors, within ten (10) working days of the final decision of the CJAC.
 2. Appellants may be granted the opportunity to make their appeal to the TCOG Board of Directors at the discretion of the President of the TCOG Board of Directors.
 3. Appeals regarding the recommendations of the CJAC will be heard at regularly scheduled TCOG Board of Directors meetings.

Final decisions regarding funding for all applications recommended by the TCOG CJAC remain the discretion of the Criminal Justice Division of the Office of the Governor.

ARTICLE X

General Provisions

1. All meetings of the CJAC will be conducted in accordance with the provisions of the Texas Government Code, Chapter 551, the Texas Open Meetings Act.
2. TCOG will comply with the provisions of the Texas Review and Comment System.

ARTICLE XI

Bylaw Change Procedure

These Bylaws can be changed by a vote of no less than one-half of the members of the current CJAC at a scheduled meeting. All amendments must be approved by TCOG Governing Body prior to taking effect.