


**NORTHGLENN MUNICIPAL COURT MEMORANDUM
#3-2020**

DATE: November 9, 2020

TO: Honorable Mayor Meredith Leighty and City Council Members

THROUGH: Heather Geyer, City Manager 

FROM: Tammy Sutton, Municipal Court Supervisor
VALE Board Ex-officio

SUBJECT: CR-149 – VALE Board Code of By-Laws

PURPOSE

To consider CR-149, which would approve changes to the Victim Assistance and Law Enforcement (VALE) Board Code of By-Laws.

BACKGROUND

Pursuant to Municipal Code Section 8-4-5(3), the VALE Board shall publish written procedures for requesting, granting, allocating and disbursing awards. City Council must approve these procedures and any amendments.

The VALE Board recently approved updates to its By-Laws, included as Attachment 1, which include:

- A Municipal Court employee will serve as ex-officio.
- Virtual meetings are permitted for situations such as a pandemic.
- The board can transfer and allocate funds at its discretion.
- Supporting documentation is necessary for board expenses.

STAFF RECOMMENDATION

Staff recommends that Council approve the changes as submitted.

BUDGET/TIME IMPLICATIONS

There are no financial impacts to the City.

STAFF REFERENCE

If Council members have any questions they may contact Municipal Court Supervisor Tammy Sutton at tsutton@northglenn.org or 303.450.8703.

CR-149 – VALE Board Code of By-Laws

SPONSORED BY: MAYOR LEIGHTY

COUNCILMAN'S RESOLUTION

RESOLUTION NO.

No. CR-149
Series of 2020

Series of 2020

A RESOLUTION APPROVING THE BYLAWS OF THE VICTIM ASSISTANCE AND LAW ENFORCEMENT (VALE) BOARD OF THE CITY OF NORTHGLENN

WHEREAS, the Northglenn City Council established the Northglenn Victim Assistance and Law Enforcement Program to assist law enforcement and provide victim assistance programs to victims and witnesses of criminal offenses; and

WHEREAS, Section 8-4-5(3) of the Northglenn Municipal Code requires the Victim Assistance and Law Enforcement (VALE) Board to develop written procedures to be followed in requesting, granting, allocating and disbursing funds from assessed violations, and such procedures shall be subject to approval by the City Council; and

WHEREAS, the VALE Board wishes to amend their bylaws and the revised bylaws are being submitted to the City Council for approval.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF NORTHGLENN, COLORADO, THAT:

Section 1. The attached bylaws governing the Victim Assistance and Law Enforcement (VALE) Board of the City of Northglenn are hereby approved by the City Council.

DATED, at Northglenn, Colorado, this _____ day of _____, 2020.

MEREDITH LEIGHTY
Mayor

ATTEST:

JOHANNA SMALL, CMC
City Clerk

APPROVED AS TO FORM:

COREY Y. HOFFMANN
City Attorney

**NORTHGLENN VICTIM ASSISTANCE AND
LAW ENFORCEMENT BOARD**

VALE

**CODE
OF
BY-LAWS**

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ARTICLE I. PURPOSE

The Northglenn City Council established the Northglenn Victim Assistance and Law Enforcement (VALE) Program to enhance victim assistance community programs and law enforcement in their efforts to assist victims and witnesses of municipal and state criminal violations. The Northglenn Victim Assistance and Law Enforcement Board's purpose is three-fold.

1. To provide a grant process for the VALE program.
2. To monitor grant awards and insure grant compliance.
3. To report the distributions of moneys, including the projects and service for which such disbursements were made to the Northglenn City Council.

The Northglenn Victim Assistance and Law Enforcement board shall consist of five members and one alternate non-voting member, all of whom shall be appointed by the City Council. An ex-officio non-voting member shall also be appointed by the City Council who shall be a current employee of the Northglenn Municipal Court. ~~to include a current employee serving as a representative from the Northglenn Municipal Court, two representatives from City Council and two Northglenn citizens to be appointed by the Mayor subject to approval by the City Council. Additionally, the Mayor, subject to approval by the City Council, may appoint one alternate to the VALE Board who shall be a Northglenn citizen.~~ All VALE Board members are appointed for staggered three-year terms and will be subjected to a Background check performed by the Northglenn Police Department.

An assessment of ten dollars (\$10.00) is imposed for each assessed ticket. This assessment is mandatory and is in addition to all fines, penalties, charges, fees, and similar monetary impositions. The Northglenn Municipal Court shall not have jurisdiction to suspend, reduce, waive, or otherwise fail to impose the full assessment of ten dollars (\$10.00) except where the court imposes a jail sentence as a penalty for a violation and where a defendant is jailed for the failure to pay a fine. The defendant pays this assessment to the Clerk of the court and the Clerk shall place the assessment into the unapportioned Victim Assistance and Law Enforcement (VALE) fund.

ARTICLE II. DEFINITIONS

As used in these by-laws, the following words and phrases shall have the following meanings:

1. **"Assessed Violation"** shall mean any violation of the Municipal Code punishable by a fine, or imprisonment, except parking violations that results in a conviction, a deferred judgment and sentence, or a plea of Guilty of Nolo Contendere.

2. **“Law Enforcement”** Shall mean the law enforcement activities of the Northglenn Police Department.
3. **“Victim”** shall mean any person against whom any crime, offense or infraction has been perpetrated or attempted, as crime, offense or infraction as defined by the laws of the City of Northglenn, Colorado, or the State of Colorado.
4. **“Victim and Witness Assistance Programs”** shall mean programs providing to victims and witnesses of Northglenn Municipal Code and Colorado State Statute violations involving violence or the potential for violence, assistance, services and information prior to, during and after the prosecution of cases in which they are involved, including referrals to appropriate social service and mental health programs.
5. **“Witness”** shall mean any person witnessing any crime, offense or infraction.

ARTICLE III. OFFICERS

The board shall be comprised of the following officers:

- A. **Chair** – The chair shall be elected by a majority of the members of the board and shall preside at each meeting of the VALE Board. The term of the Chair shall run concurrent with the calendar year.
- B. **Vice-Chair** – The Vice-Chair may be nominated by the members of the board or may volunteer their services. This nomination or volunteer action shall be ratified by a majority of the board members. The term of the Vice-Chair shall run concurrent with that of the Chair. The Vice-Chair shall act for and on behalf of the Chair whenever the Chair is absent or unable to act.
- C. **Secretary** – The Secretary may be nominated by members of the board or may volunteer their services. The nomination or volunteer action shall be ratified by a majority of the board members. ~~The Chair or Vice-Chair shall record minutes of meetings in the Secretary’s absence.~~

Terms for elected officers shall be for a period of one (1) year. Elections will occur annually on the first scheduled meeting of each year.

ARTICLE IV. DUTIES AND RESPONSIBILITIES OF BOARD

A. DUTIES AND RESPONSIBILITIES OF OFFICERS.

1. **Chair** – The duties of the chair shall include but not be limited to the following:
 - Schedule and attend all regular and special meetings of the VALE Board;
 - Preside over VALE Board Meetings;
 - Sign appropriate documents and correspondence;
 - Upon direction of the Board, schedule oral presentations and prepare written contracts;
 - Maintain all appropriate documentation relating to the grant process, including the application and written agreement (contract);
 - Enforce ethics, conflict of interest, and other provisions of these bylaws; and
 - Appoint subcommittees as necessary to carry out the purpose of the duties of the VALE Board.
2. **Vice-Chair** – The duties of the vice-chair shall be the same as those of the chair, when the chair is absent or has a conflict of interest on any matter taken up by the VALE Board.
3. **Secretary** – Minutes shall be kept of all regular and special meetings of the VALE Board and shall be approved at the next appropriate meeting. Minutes shall include; but not be limited to:
 - Records to document which Board members were in attendance, that a quorum of Board members were in attendance and any votes that were taken;
 - Any discussion regarding Board member or staff conflict of interest and the action taken as a result of the conflict of interest;
 - Any motions made by Board members; and
 - Decisions made by Board action.
4. **Members and Alternate Member** – The members shall engage in all communications of the VALE Board. The alternate member shall serve in the absence of a regular member with all voting duties and responsibilities of a regular member for whom the alternate member acts. It will be the Chairman's responsibility to indicate for the record that an alternate member is serving in the absence of a regular member. The alternate member is

expected to attend meetings and participate in the meetings, but cannot vote unless seated.

B. DUTIES AND RESPONSIBILITIES OF THE BOARD.

The VALE Board in carrying out its policy and program responsibilities effectively, must maintain strong and active interaction and communication with other groups within the community. Accordingly, the VALE Board shall be responsible for outreach to other groups within the community, and shall encourage interaction and participation with other groups through whatever means the Board determines most effective to attain the following goals:

- To facilitate and improve communication between the VALE Board and other groups within the community;
- To enable early identification of problems or concerns raised and support effective discussion/action to resolve issues raised; and
- To allow for better decision-making allocation of funding in accordance with these By-laws.

ARTICLE V. MEETINGS

- A. **Regular Meetings** – Regular meetings of the VALE Board shall be held quarterly in a calendar year. The chair shall provide notice of the time and place of a regular meeting to the board members at least fourteen days prior to the meeting. Meetings may be held electronically due to requirements associated with COVID-19. The Board will do their best to support the public safety, health and welfare of the general public.
- B. **Special Meetings** – Special meetings of the VALE Board may be called by the Chair, Vice-Chair or upon written request by a majority of board members and submitted to the Chair or Vice Chair. Notice of the time, place and purpose of the special meeting shall be provided to board members at least three days prior to the special meeting.
- C. **Quorum** – A majority of the board members shall constitute a quorum and must be present at a meeting in order to conduct business. Once declared, a quorum is not lost unless there are an inadequate number of members present to consider the issue presented. If a quorum is not present, business may be transacted. However, no vote will be final until ratified by a quorum at the next meeting.
- ~~D. **Passage of Motions** – After a quorum is announced, a majority of those voting on a motion shall be sufficient to pass and make it the official act of the board. ~~A motion may be passed during a real-time meeting conducted via conference call or~~~~

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~~MSN messenger as long as a quorum is available; provided, however, in order to assure participation and discussion in an open meeting pursuant to the Colorado Open Meetings Law, C.R.S. § 24-6-401, et seq. (the "Sunshine Law"), the VALE Board shall at all times seek to pass motions at a regular or special meeting at which a quorum is physically present, and shall only use a real time meeting conducted via conference call or MSN messenger if the VALE Board is otherwise physically unable to convene a meeting, and an issue requires imminent action by the VALE Board. Such a meeting must nonetheless be posted in accordance with the Sunshine Law.~~

~~E.D.~~ In addition, in order to assure participation and discussion in an open meeting pursuant to the Colorado Open Meetings Law, C.R.S. § 24-6-401, et seq. (the "Sunshine Law"), the VALE Board shall at all times seek to pass motions at a regular or special meeting at which a quorum is physically present. Telephonic participation shall not be permitted unless the entire meeting is held electronically to maintain social distancing requirements associated with any pandemic.

~~F.E.~~ **Agenda** – The conduct of business will be pursuant to an agenda prepared by the Chair of the Board and will be made a matter of record in minutes taken during the meeting. The agenda may be changed by the Chair or by a majority vote of the board.

~~G.F.~~ **Robert's Rule of Order** – All matters not covered by these guidelines shall be governed by Robert's Rule of Order.

~~H.G.~~ **Attendance** – When a board member is unable to attend a scheduled meeting, that member shall notify the Chair and offer cause for absence. The Chair shall make a recommendation to the mayor for the replacement of any appointed member who, without notice or cause, is absent from two consecutive regular scheduled meetings.

~~I.H.~~ **Vacancy** – Vacancies in the VALE board, whether created by resignation, removal or expiration of term, shall be filled by the alternate member, the new alternate shall be made by the Mayor subject to approval of the City Council.

~~J.~~ **Minutes and records** – There shall be minutes recorded of all regular and special meetings of the board. The minutes shall be submitted to the members of the board for approval at the next scheduled meeting. The minutes shall be recorded by the board Secretary and copies maintained on file by the municipal court board representative for future reference.

~~I.~~

ARTICLE VI. ETHICS

A. Board members shall not accept any stipend, fee gratuity or other consideration of any kind or nature from any agency, organization, person or unit for the purpose of influencing a vote, decision, or recommendation of the Board.

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- B. All board members shall disclose any interest that they have with an agency, organization, or unit, which seeks or may seek action by the board. The board member shall make such disclosure by written declaration presented to the Chair or by oral declaration during a regular or special meeting. All such declarations shall be included in the minutes of the meeting.

A board member shall not make any motion, second any motion or vote on any application for funds or proposal for a grant submitted by any agency, organization or unit in which the board member has any interest without prior board approval. Decisions concerning conflict of interest questions shall be resolved by a majority vote of other board members present. Should a conflict of interest be affirmed on the part of a board member, that member may speak to the board regarding an application or fund proposed at any scheduled board meeting, but shall not take any other action at any time to influence the decision of any board member on such application or proposal.

- C. Any board member may raise the question of a potential conflict of any other board member regarding votes on funding issues. The ultimate decision shall be made by a majority vote of the other board members present.

- D. Board Members shall not in their capacity as officers and/or Board members engage in political or lobbying efforts without the vote and approval of the board. For purposes of these Bylaws, political or lobbying activities shall include engaging in activity, in which a Board member uses or attempts to use their influence as a VALE Board member, or otherwise coerces or attempts to coerce contributions or political activity in the capacity of a VALE Board member.

ARTICLE VII. ALLOCATION OF VALE FUNDS

VALE funds will be allocated as follows

- Administrative expenses shall not exceed 10%. Any unused funds will roll into an escrow account at the end of the calendar year. These funds will be used for the development of new programs, ~~or for~~ capital improvements or transferred to the available fund balance at the discretion of the Board members.
- 90% of funds will be distributed for consideration of incoming grants

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ARTICLE VIII. GRANT PROPOSAL CRITERIA

A. **Program Eligibility** – Funds shall be used to enhance or develop programs for eligible crime victim/witness programs and Law Enforcement agencies. An eligible crime victim/witness assistance program must meet the following criteria.

1. A program must be operated by a public, private, or a non-profit organization/agency or a combination thereof.
2. Preference will be given to organizations/agencies located in Adams County, Colorado, and their programs must serve victims or witnesses residing in the City of Northglenn.
3. If the program is an existing program, it must provide documentation of benefits to the citizens of Northglenn.
4. If the program is a new program, the grant proposal must contain a methodology for evaluating the program. Such methodology must include information on cost effectiveness of the program and whether the program is achieving its intended results for residents or victims within Northglenn.
5. The VALE Board may approve grant monies for registration fees and expenses for lodging, travel and meals for training programs specifically directed toward delivery of services to crime victims and for the actual cost of providing the necessary staff training directly related to the implementation of the rights afforded to crime victims. Every effort should be made to seek out training opportunities within the state before requesting funds for out of state training programs.
6. At their discretion, the board may require one or more of the following from a funded program.
 - a. Quarterly reports on dates designated by the board.
 - b. Year-end report on a date designated by the board.

All quarterly reports and the year-end report shall include the following information: programmatic goals and objectives, statistical reports, ~~and~~ financial summaries specific to the awarded VALE grant, ~~and supporting documentation for expenses, showing such expenses on a monthly basis.~~ Upon request from the VALE board, grantees may be required to submit any other information or reports pertinent to their funding request or organization/program.

Any of the aforementioned reports shall be forwarded to the municipal court board representative for dissemination to all the board members. Board members shall stipulate the type and frequency of reports when a grant request is awarded.

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7. The board is authorized to deny a request for funding based on previous non-compliance with these Bylaws, including the failure to timely file reports on the dates designated by the board.
8. Failure to adhere to any of the aforementioned criteria may be cause for suspension or revocation of the grant.

B. **Program Application Time Frames** – The VALE Board may at their discretion, accept grant applications or award grants on either an annual or quarterly basis.

1. Application Submission
 - a. Application submissions for annual grants must be submitted by August 31st by 5:00 PM. If the 31st falls on a weekend applications will be accepted the next business day by 5:00 PM.
 - b. April 15th, July 15th, September 15th and January 15th for grants that are short term such as funds for training or to purchase a specific item.
 - c. Any grants received after deadline will be considered at the next grant review meeting.
2. Application Presentations – All grant applicants may be required to make an oral presentation to the board as part of the grant application process.
 - a. Annual Grant – Date will be set for the month of August
 - b. Short Term – Date will be set at the discretion of the board

The VALE Board shall issue a written agreement, which serves as a contract, to the grant recipient for the purchase of goods or provision of services from local VALE funds. The written agreement shall be completed and signed by the VALE Board Chairman and an authorized representative of the grant recipient. No funds shall be released to any grant recipient until the written agreement (contract) has been signed by the appropriate parties.

C. **City Council Reporting** – The board shall submit a report to the Mayor and to the City Council annually on the first of May. The report shall describe the distribution of moneys, including the projects and services for which such disbursements were made.

ARTICLE IX. RECORDS RETENTION

All VALE program records shall be retained as per the retention and disposition schedule received from the Colorado State Record Archives.

ARTICLE X. AMENDMENT OF BYLAWS

These bylaws may be amended at any regular or special meeting of the VALE Board by an affirmative vote of at least four members, provided that a minimum of five working days notice of the proposed amendment(s) has been given to all VALE Board members. These bylaws will be reviewed annually on the first quarterly meeting.

ARTICLE XI. EFFECTIVE DATE OF GUIDELINES

These policy guidelines are adopted by the Northglenn VALE Board and respectively submitted to the Northglenn City Council for approval.

Date of Adoption _____

VALE Board, Chair

VALE Board, Member

VALE Board, Member

VALE Board, Member

VALE Board, Member