

Approved

OCT 18 2011

**Kent County
Local Management Board**

BYLAWS

Local Management Board for Children's and Family Services of Kent County

RECITALS

1. By Resolution No. 97-1928, dated May 20, 1997, the Board of County Commissioners of Kent County established the Local Management Board ("LMB") for Children's and Family Services of Kent County as an instrumentality of the local government for the purposes of implementation of the policies of the State of Maryland and the Board of County Commissioners as set forth in Article 49D, §2, of the Annotated Code of Maryland.

2. Section 11 of Article 49D of the Annotated Code of Maryland, which required local jurisdictions to establish an LMB, was repealed pursuant to an automatic sunset provision in Article 49D, §29, effective July 1, 2005. The Governor's Office of Children, Youth and Families ("OCYF"), established under Article 49D, was abolished pursuant to the same sunset provision.

3. In June 2005, Governor Robert L. Ehrlich, Jr. issued Executive Order 01.01.2005.34 establishing the Governor's Office for Children as a separate agency within the Executive Department to provide a "coordinated, comprehensive, interagency approach to the development of a continuum of care that is family and child-oriented." The duties of the new Governor's Office for Children include partnering with LMBs to plan, coordinate, and monitor the delivery of integrated services and assist the Children's Cabinet in the distribution of grants to agencies including LMBs.

4. On June 7, 2005, the Board of County Commissioners of Kent County adopted a resolution re-establishing and reconstituting the Kent County LMB, effective July 1, 2005.

5. During the 2006 Session of the Maryland General Assembly, Senate Bill 294 was adopted to recodify LMBs under a re-established Article 49D entitled Children, Youth and Family Services, effective October 1, 2006 (Chapter 243, Acts of 2006).

6. Effective October 1, 2007, Article 49D was reorganized in Title 8 of the Human Services Article of the Maryland Annotated Code.

ARTICLE I

PURPOSE

The purpose of the LMB is to promote a stable, safe, and healthy environment for children and families, thereby increasing self-sufficiency and family preservation. This policy requires a comprehensive, coordinated, interagency approach to provide a continuum of care that is family and child oriented and emphasizes prevention, early intervention and community-based services. Priority shall be given to children and families most at risk.

ARTICLE II

AUTHORITY

In accordance with Article 49D, §11, of the Annotated Code of Maryland and within the guidelines developed by the Special Secretary of the Office of Children, Youth and Families (OCYF), the designated LMB was originally established by the Board of County Commissioners as an instrumentality of the local government. Pursuant to the June 7, 2005 resolution of the Board of County Commissioners, the LMB was re-affirmed as an instrumentality of the local government. The authority and role of the LMB was re-codified by Chapter 243, Acts of 2006 General Assembly re-establishing Article 49D entitled Children, Youth and Family Services, effective October 1, 2006.

ARTICLE III

RESPONSIBILITIES

3.01 Duties and responsibilities of the LMB include collaborative planning and decision making regarding the following: community goal setting; the direction of public and social policy relative to children and family services; the allocation of pooled funding amounts and interagency resources; contracting with providers to develop and implement new services; ensuring family involvement in treatment planning, and monitoring of State-funded or supported interagency services.

3.02 The LMB is challenged with the following statutory mandates:

- (a) Strengthen the decision-making capacity at the local level;
- (b) Design and implement strategies that achieve clearly defined results for children, youth and families as articulated in a local 5-year strategic plan for children, youth and families;
- (c) Maintain standards of accountability for locally agreed upon results for children, youth and families;
- (d) Influence the allocation of resources across systems as necessary to accomplish the desired results;
- (e) Build local partnerships to coordinate children, youth and family services within the county to eliminate fragmentation and duplication of services; and
- (f) Create an effective system of services, supports and opportunities that improve outcomes for all children, youth and families.

3.03 The LMB is a planning entity and not a provider of individual direct services. The LMB shall be engaged in identifying the needs of the county residents and disseminating that information to policy makers and the general public in order to promote improvements in the service delivery system.

ARTICLE IV

MEMBERSHIP

4.01 **Composition.** The LMB may consist of nineteen (19) members appointed by the Board of County Commissioners. Ten (10) members shall be from the public sector, as designated in paragraph (a) of this Section, and nine (9) members may be from the private sector.

(a) All ten (10) public agency members shall have voting privileges. No more than nine (9) private sector members on the LMB shall have voting privileges. Up to four (4) of the nine (9) private sector members may be youth members.

(b) The following ten (10) public agencies shall be represented: local government (a County Commissioner or his/her designee); Kent County Public Schools (the Superintendent or his/her designee); the Department of Social Services (the Director or his/her designee); two from the Kent County Health Department ((i) the Health Officer or his/her designee, and (ii) the drug and alcohol prevention coordinator); the Mid-Shore Mental Health Systems; the Department of Juvenile Services; the Kent County Department of Parks & Recreation; the Kent County Sheriff's Office, and the Kent County Office of Housing & Community Development.

(c) The nine (9) private sector members on the LMB shall include service providers, service consumers, youth and at large community representatives whose selection is based upon demonstrated expertise, knowledge and/or interest in children, youth and family services. The private sector members shall be residents of Kent County.

(d) Four (4) of the private sector members may be youth. Youth may be appointed during the July prior to the start of their sophomore class year in high school.

(e) The LMB will strive to reflect the ethnic and cultural diversity of the county; to include current or former service recipients or their families, and to engage citizens from throughout the county.

4.02 **Compensation.** The members of the LMB shall serve without compensation, but shall be reimbursed for such expenses incurred in the performance of their duties as may be deemed appropriate by the LMB and approved by the Board of County Commissioners.

4.03. **Terms.**

(a) Private sector members shall serve three-year terms and may serve two consecutive terms. A private sector member who has served two consecutive terms may be re-appointed by the Board of County Commissioners after an absence of one year from the LMB. The terms of the original private sector members commenced February 4, 1997 and were staggered between one and three years. Henceforth, terms shall commence on July 1.

(b) The public sector members serve by virtue of the position that they, or their designee, hold in their respective agencies. As such, they have no set term.

4.04 **Resignation.** Any member may resign at any time by providing written notice to the Chairman, who will forward such notice to the Board of County Commissioners.

4.05 **Removal.** By a majority vote, the LMB may recommend removal of a member, for cause, to the Board of County Commissioners. A member being considered for removal by the LMB is entitled to notice of that consideration and the cause for such consideration prior to any recommendation being issued. Cause may include, but not be limited to, incapacity to serve, inadequate attendance, unethical or unlawful behavior, or unresolved conflict of interest. The removal of a public sector member is contingent upon action by their respective agency.

4.06 **Vacancy.** The LMB may submit recommendations to the Board of County Commissioners for appointment considerations. Any vacancy occurring in an office shall be filled by the LMB and the member so elected shall fulfill the term of his predecessor.

ARTICLE V

OFFICERS

5.01 The LMB shall have the following officers: Chairperson, Vice-Chairperson and Secretary/Treasurer.

5.02 The officers shall be elected annually by the members of the LMB in June for terms to begin in July. Officers may serve up to three consecutive terms in any one office.

5.03 The officers shall have the authority and responsibilities delegated by the LMB, and as specified in these Bylaws.

5.04 **Chairperson.** The Chairperson shall:

(a) Preside at and conduct all meetings of the LMB and the Executive Committee;

(b) Execute contracts and agreements after they have been approved by the LMB and/or the Executive Committee;

- (c) Execute legal documents on behalf of the LMB;
- (d) Make appointments to the committees specified in Article 8, and
- (e) Serve as a member ex officio of all the committees of the LMB.

5.05 **Vice-Chairperson.** The Vice-Chairperson shall:

- (a) Ensure that the parliamentary authority for all meetings of the LMB will be *Robert's Rules of Order* (The Modern Edition) for all matters not covered by these Bylaws, and
- (b) Perform the duties of the Chairperson in the absence of the Chairperson.

5.06 **Secretary/Treasurer.** The Secretary/Treasurer shall:

- (a) Ensure that accurate records, including member attendance and minutes of all meetings, are kept;
- (b) Ensure proper oversight of all funds, securities, indebtedness, property and other financial responsibilities of the LMB;
- (c) Ensure the regular communication of the financial status of the LMB through financial statements, annual audits and other such methods, and
- (d) Serve as chairperson of the Finance Committee.

ARTICLE VI

MEETINGS

6.01 **Regular Meetings.** The LMB shall meet at least quarterly and may meet more frequently as the LMB determines necessary. Members shall receive advance written notice of the meetings and agenda.

6.02 **Special Meetings.** Special meetings shall be at the call of the Chairperson. Notice of the time, place and purpose of special meetings shall be provided to all LMB members as soon as the need arises, and no less than 24 hours prior to the special meeting.

6.03 **Attendance.** LMB members are expected to attend all meetings of the LMB and the committee(s) to which they are assigned. Failure to attend seventy-five percent of all meetings held in a period of twelve (12) consecutive months may constitute "inadequate attendance" for purposes of removal under Article IV, Section 4.05. Youth may, from time to time, be excused for commitments such as athletics, work, school commitments, or other positive

youth development activities. All board members (adults and youth) must contact the LMB in advance of meetings if they are unable to attend.

6.04 **Quorum.**

(a) A quorum is required in order to constitute an official meeting:

- i. 51% of total Board membership; and
- ii. 25% of ex-officio members of the Board listed in Article IV, Section 4.01 (b).

(b) A meeting in which a quorum of both groups is not satisfied cannot be considered an official meeting, and no decisions or votes from the meeting can be considered binding unless and until a majority of the voting members have ratified any actions considered.

6.05 **Voting.** Each member of the LMB shall have one vote, excepting for those members described in Article 4.01 (c).

(a) Those members who serve as representatives of the public agencies specified in Article IV, Section 4.01(a) may utilize an authorized standing proxy. Such proxy must be in writing and must specify the designated public agency representative empowered to cast the agency vote.

(b) All LMB members may utilize a one-time written proxy for a meeting of the LMB within any given 12-month period. Such proxies may only be given to another member of the LMB.

6.06 **Electronic Voting.** Electronic voting by LMB Board members shall be an acceptable means of decision-making outside meetings.

ARTICLE VII

COMMITTEES

7.01 **Committees.**

(a) The LMB may create such standing committees and special committees as it may deem necessary. The Chairperson shall appoint persons to chair and to serve on those committees, including persons who are not members of the LMB but who, by virtue of special expertise, function or circumstance, would benefit the LMB. All such appointments must be approved by the LMB.

(b) Each LMB member must serve on at least one standing committee.

7.02. **Executive Committee.** There shall be an Executive Committee of the LMB comprised of the following five (5) members: the Chairperson; the Vice-Chairperson; the Secretary/Treasurer; and two (2) LMB members, one of which shall be the local government representative and one of whom shall be a private sector member. In the event that the designated local government representative is also an officer of the LMB, then another member of the LMB shall be selected to serve on the Executive Committee.

(a) The Executive Committee shall have no greater authority or powers than the LMB, but may exercise those powers subject to ratification by the full LMB at the ensuing meeting.

(b) Under the direction of the LMB, the Executive Committee shall have the following duties and responsibilities:

- i. Act on behalf of the LMB between meetings in situations where a delay in action would be detrimental to the LMB or those it serves.
- ii. Evaluate and supervise the LMB Director.
- iii. Engage counsel to advise and represent the LMB on legal matters relating to the operations and administration of the LMB.
- iv. Make recommendations to the LMB regarding significant policy issues.
- v. Perform any other duties as may be assigned to it by the LMB.

(c) The two (2) members of the Executive Committee who are not officers of the LMB shall be elected pursuant to Article V, Section 5.02 of these Bylaws.

7.03 **Finance Committee.** There shall be a Finance Committee comprised of at least five (5) LMB members, one of which shall be the Secretary/Treasurer.

(a) The Secretary/Treasurer of the LMB shall chair the Finance Committee.

(b) The Finance Committee shall have the following duties and responsibilities:

- i. Review and monitor the financial activities and policies of the LMB.
- ii. Make recommendations to the LMB regarding issues pertaining to the annual budget, financial accounting and reporting, and funding.
- iii. Assist the LMB Coordinator in the preparation and implementation of the annual budget.
- iv. Perform any other duties as may be assigned to it by the LMB.

7.04 **Program & Accountability Committee.** There shall be a Program & Accountability Committee comprised of at least five (5) LMB members, a majority of which shall be private sector members. LMB members who individually or whose represented organization will be applying for or receiving funding from the LMB may not serve on the Program & Accountability Committee during the fiscal year in which they apply for and/or receive such funding. The Program & Accountability Committee shall have the following duties and responsibilities:

(a) To develop and monitor policies and procedures for the publicity of LMB funding availability, and for the acceptance, review and award of funding requests;

(b) To review requests for funding and support, and to make recommendations to the LMB;

(c) To develop program evaluation tools, and to establish outcome measures and measures of well-being for programs and services funded by the LMB;

(d) To evaluate the efficacy of programs funded by the LMB, and to determine whether a program's goals, objectives and outcomes are achievable, or have been achieved, and

(e) To ensure that program funding and accountability measures are consistent with the Memorandum of Understanding between the State, Kent County and the LMB.

7.05 **Board Development Committee.** There shall be a Board Development Committee comprised of at least three (3) LMB members.

(a) The Board Development Committee shall be responsible for the recruitment of candidates for nomination to the LMB. When a vacancy occurs on the LMB, the Board Development Committee shall recommend the names of potential nominees to the LMB, who may then submit recommendations for appointment to the Board of County Commissioners.

(b) The Board Development Committee shall be responsible for the recruitment of nominees to serve on the Executive Committee and/or as an officer of the LMB. When a vacancy in an office or on the Executive Committee occurs, the Nominating Committee shall solicit, from among the LMB, members interested in holding office. From a slate of nominees accepted by the LMB, the Nominating Committee shall cause an election to take place.

(c) The Board shall review the Bylaws at least every three (3) years to ensure that the bylaws are current, meet the needs of the Board, and reflect actual practice.

7.06 **Ad Hoc Committees.** Special ad hoc committees may be established by the LMB as the need arises. The specific purpose, task or responsibility of these committees will be determined by the LMB.

ARTICLE VIII

MISCELLANEOUS

8.01 **Policies and Procedures.** The LMB may adopt policies and procedures from time to time as it deems advisable and appropriate for the proper administration of the LMB.

8.02 **Personnel.** In accordance with the Personnel Policies and Procedures Manual for Kent County, the LMB may employ personnel necessary to carry out the activities of the LMB including, but not limited to, administrative support, community planning and interagency coordination. Such personnel shall be governed by the personnel policies and procedures of Kent County.

8.03 **Conflict of Interest.** On any matter before the LMB, all members are obligated to disclose their conflict of interest prior to discussion of any matter so affected. Such members shall abstain from voting if such member or the LMB deems a conflict of interest exists. No LMB member may vote on any matter which has direct bearing on services to be provided by that member or his/her parent organization. Members unable to vote may still be counted as present for the purpose of establishing a quorum.

8.04 **Amendments.** Subject to the approval of the Board of County Commissioners, these Bylaws may be amended or repealed by a majority vote of the LMB, provided that the proposed amendment or repeal has been submitted to the LMB membership in writing prior to the meeting at which the proposed amendment or repeal is to be discussed and voted upon.

8.05 **Fiscal Year.** The fiscal year of the LMB shall be from July 1 through June 30, inclusive.

8.06 **Liability and Indemnification.** The members of LMB are not personally liable for the debts, liabilities and other obligations of the LMB. The members and officers of the LMB shall be indemnified to the fullest extent permitted by the laws of the State of Maryland and applicable federal law. The LMB shall provide insurance on behalf of the members and officers.

ADOPTED the 2nd day of September, 1997.
AMENDED the 15th day of December, 1998.
AMENDED the 26th day of April, 2005.
AMENDED the 10th day of April, 2007.
AMENDED the 22nd day of April, 2008.
AMENDED the 18th day of August 2009.
AMENDED the 11 day of Oct 2011.

THE COUNTY COMMISSIONERS
OF KENT COUNTY, MARYLAND

Ronald H. Fithian
Ronald H. Fithian, President

Indira M. Blackwell
Witness

10/11/11
Date

William W. Pickrum
William W. Pickrum, Member

Alexander P. Rasin
Alexander P. Rasin, Member

LOCAL MANAGEMENT BOARD for
CHILDREN'S and FAMILY SERVICES
of KENT COUNTY

Jan Freeman
Witness

10/18/11
Date

William J. Clark
William J. Clark, Chairperson