

BYLAWS OF THE SEVIER COUNTY DRUG COURT

ARTICLE 1

INTRODUCTORY PROVISIONS

Section 1. Name:

This organization shall be known as the Sevier County Drug Court.

Section 2. Purpose:

The Sevier County Drug Court is organized to promote a safe, stable and healthy community by helping people overcome substance abuse.

Section 3. Area:

The Sevier County Drug Court is organized to provide services primarily to citizens who reside in Sevier County, Utah. However, the drug court may also serve citizens of neighboring counties upon advance approval of the Board of Directors.

Section 4. Limitation of Methods:

The Sevier County Drug Court shall observe all local, state and federal laws which apply to a non-profit organization as defined in Section 501©)(6) of the Internal Revenue Code.

ARTICLE 2

BOARD OF DIRECTORS

Section 1. Composition of the Board:

The Board of Directors shall be composed of nine (9) voting members.

Section 2. Permanent Members:

Seven (7) members of the Board of Directors shall be designated representatives of the following agencies which agencies shall hold permanent positions on the Board of Directors: Sixth District Court, Sevier County Sheriff, Sevier County Attorney, Sevier County Public Defender, Sevier County Adult Probation and Parole, Central Utah Counseling Center, and the Utah Division of Workforce Services in Sevier County.

Section 3. Rotating Members:

The remaining Two (2) members of the Board of Directors shall be selected by a simple majority vote of the permanent members of the board. One director shall be selected from the business community in Sevier County, and the other director shall be a graduate of the Sevier County Drug Court. These members shall serve terms of Two (2) years each, or until their successors are selected by the permanent board members.

The governmental and policy making responsibilities of the Sevier County Drug Court shall be vested in the Board of Directors, which shall control its property, be responsible for its finances and direct its affairs. The Board of Directors may adopt such rules and regulations for the conduct of their meetings and the management of the organization as they deem proper.

Section 4. Ex Officio Members:

In addition to voting members, other members may be designated by the Board of Directors to attend meetings of the Board of Directors. Such members shall participate in an *ex officio* capacity, and may express opinions and participate in discussion, but shall have no vote. Until otherwise determined by the Board of Directors, *ex officio* members of the Board of

Directors shall include the following: the members of the Drug Court Treatment Team, a district court judge and a designated court clerk.

Section 5. Committees:

The Board of Directors may appoint from among its own members committees of the Board as the Board of Directors may determine, which shall have such powers and duties as shall from time to time be prescribed by the Board. A majority of the members of any committee may fix its rules of procedure.

Section 6. Emergency Power:

When, due to a natural disaster or death, a majority of the directors are incapacitated or otherwise unable to attend the meetings and function as directors, the remaining members of the Board of Directors shall have all the powers necessary to function as a complete Board, and for the purpose of doing business and filling vacancies shall constitute a quorum, until such time as all directors can attend or vacancies can be filled pursuant to these Bylaws.

Section 7. Vacancies:

A vacancy in the rotating members of the Board of Directors shall be deemed to exist in case of death, resignation, or removal of any rotating director, or if the authorized number of rotating directors be increased, or if the Directors fail at the meeting of the Board of Directors at which any rotating director is to be elected, to elect the full authorized number of rotating directors to be elected at that meeting.

Section 8. Resignation:

A rotating director may resign at any time by delivering written notification thereof to the Chair or Secretary. Resignation shall become effective upon its acceptance by the Board of Directors. However, if the Board of Directors has not acted upon such resignation Ten (10) days from the date of its delivery, the resignation shall upon the Tenth (10th) day be deemed accepted.

Section 9. Removals:

Rotating Directors may be removed at any time by a majority vote of the Board of Directors. Such vacancy shall be filled by the Directors then in office, though less than a quorum, to hold office until a successor is duly elected, except that any rotating directorship to be filled by reason of removal may be filled by election of the Board of Directors at the meeting at which the rotating director is removed. No reduction of the authorized number of rotating directors shall have the effect of removing any rotating director prior to the expiration of his or her term of office.

ARTICLE 3

OFFICERS

Section 1. General Provisions:

The Board of Directors shall elect a chair, vice chair and secretary as officers of the Board. These officers shall hold office for a term of Four (4) years each, or until their successors

are elected by the Board of Directors. In addition, other officers and assistant officers as may be deemed necessary may be elected or appointed by the Board of Directors.

In its discretion, the Board of Directors may leave unfilled for any period as it may determine necessary, any office except those of Chair and Secretary. Any two or more offices may be held by the same person, except the offices of Chair and Secretary. Except as otherwise provided herein, officers may or may not be voting members of the Board of Directors.

Section 2. Chair:

The Chair of the Board shall be a district court judge. The Chair shall preside at all meetings of the Board of Directors, and shall perform such other duties as may be prescribed from time to time by the Board of Directors. The Chair shall have no vote.

Section 3. Vice-Chair:

The Vice Chair shall have such powers and perform such duties as may be assigned by the Board of Directors or the Chair. In the absence or disability of the Chair, the Vice Chair shall perform the duties and exercise the powers of the Chair.

Section 4. Secretary:

The Secretary shall keep the minutes of all meetings of the Board of Directors and, to the extent ordered by the Board of Directors or the Chair, the minutes of meetings of all committees. The Secretary shall cause notice to be given of meetings of the Board of Directors, and of any committee appointed by the Board. The Secretary shall perform such other duties as may be prescribed from time to time by the Board of Directors or by the Bylaws. Assistant Secretaries

may be appointed by the Board of Directors to assist the Secretary and shall keep and record such minutes of meetings as shall be directed by the Board of Directors.

Section 5. Resignation: Any officer may resign at any time by delivering a written resignation either to the Chair or to the Secretary. Unless otherwise specified therein, such resignation shall take effect upon delivery.

Section 6. Removal: Any officer or agent may be removed by the Board of Directors whenever in its judgment the best interest of the organization will be served thereby. Any such removal shall require a majority vote of the Board of Directors, exclusive of the officer in question if he or she is also a director.

Section 7. Vacancies: A vacancy in any office because of death, resignation, removal, disqualification or otherwise, or if a new office shall be created, may be filled by the Board of Directors for the unexpired portion of the term.

ARTICLE 4

MEETINGS

Section 1. Regular Meetings:

A regular meeting of the Board of Directors shall be held as needed and designated by the Board of Directors.

Section 2. Special Meetings:

Special meetings of the Board of Directors may be called by order of the Chair or by One-Third (1/3) of the members of the Board of Directors. The Secretary shall give notice of the time, place and purpose or purposes of each special meeting by mailing the same at least ten (10) days before the meeting or by telephoning, faxing or transmitting via E-mail the same at least one (1) day before the meeting to each Director.

Section 3. Quorum:

A majority of the members of the Board of Directors shall constitute a quorum for the transaction of business, but less than a quorum may adjourn any meeting from time to time until a quorum shall be present, whereupon the meeting may be held, as adjourned, without further notice. At any meeting at which every Director shall be present, even though without any notice, any business may be transacted.

Section 4. Manner of Action:

At all meetings of the Board of Directors, each Director shall have one vote. The act of a majority present at a meeting shall be the act of the Board of Directors, provided a quorum is present.

Section 5. Presumption of Assent:

A member of the Board of Directors who is present at a meeting of the Board of Directors at which action on any matter is taken shall be presumed to have assented to the action taken unless the dissent of said Director shall be entered in the minutes of the meeting or unless he or she shall file a written dissent to such action with the person acting as the Secretary of the

meeting before the adjournment thereof or shall forward such dissent by registered mail to the Secretary immediately after the adjournment of the meeting. Such right to dissent shall not apply to a director who voted in favor of such action.

Section 6. Waiver of Notice:

Whenever any notice is required to be given to any member of the Board of Directors under the provision of these Bylaws, a waiver thereof in writing signed by the person or persons entitled to such notice, whether before or after the time stated therein, shall be deemed equivalent to the giving of such notice. Attendance at any meeting shall constitute a waiver of notice of such meeting, except where attendance is for the express purpose of objecting to the legality of that meeting.

Section 7. Proxies:

At all meetings of the Board of Directors, a director may vote in person or by proxy. No proxy shall be valid after the meeting at which such proxy is used, and shall not be considered an on-going proxy.

Section 8. Informal Action:

Any action required to be taken at a meeting of the Board of Directors, or any action which may be taken at a meeting of the Board of Directors, may be taken without a meeting if a consent in writing, setting forth the action so taken, shall be signed by all of the Directors entitled to vote with respect to the subject matter thereof.

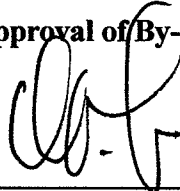
ARTICLE 10

AMENDMENTS

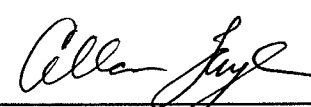
Section 1. Vote Necessary to Amend:

These Bylaws may be altered, amended, repealed, or new Bylaws adopted by a majority of the entire Board of Directors at any regular or special meeting.

Approval of By-Laws:



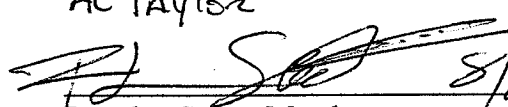
Wallace A. Lee, Chair
Sixth District Court Judge
28 Aug 07
Date




Steven Yeates, Member
Adult Probation & Parole
AL Taylor
8/28/07
Date



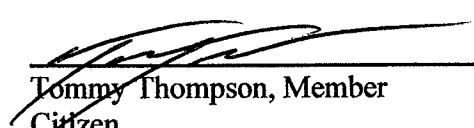
Dale Eyre, Vice Chair
Sevier County Attorney
8/28/07
Date



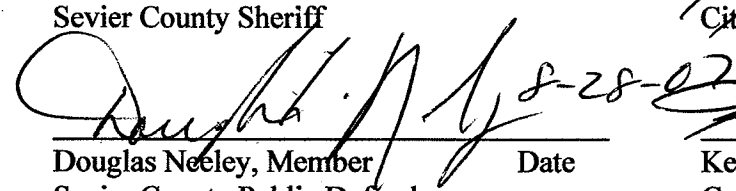
Brandon Street, Member
Workforce Services Employment Counselor
8/28/07
Date




Phil Barney, Member
Sevier County Sheriff
8-28-07
Date



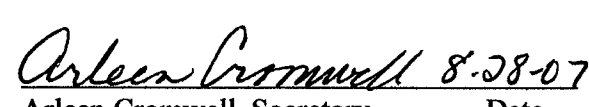
Tommy Thompson, Member
Citizen
8-28-07
Date



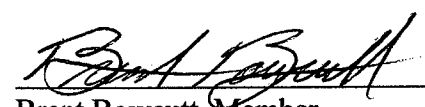
Douglas Neeley, Member
Sevier County Public Defender
8-28-07
Date



Kevin Neil, Member
Community Partner
08-28-07
Date



Arleen Cromwell, Secretary
Central Utah Counseling Center Supervisor
8-28-07
Date



Brent Bowcutt, Member
Sixth District Court Executive
8-28-07
Date

CERTIFICATE

I, Arleen Cronwell, Secretary for the Sevier County Drug Court, hereby certify that the attached is a full, true and correct copy of the Bylaws adopted by majority vote the Board of Directors of the Sevier County Drug Court, a quorum being present, at a regular meeting of said Board, held on October 9, 2007, at 12:15 P.M., at Richfield, Utah.

DATED this 9 day of October, 2007.

Arleen Cronwell
SECRETARY