

DAMION Prosecutor Management System Users' Committee BYLAWS

INTRODUCTION

Several prosecuting agencies in Northeastern Minnesota have subscribed to a common information management system from Constellation Justice Systems, Inc., known as DAMION PROSECUTOR. DAMION PROSECUTOR is one component of the Northeast Minnesota Enforcement and Safety Information System (NEMESIS) integration project.

St. Louis County has provided technical services as Host for the other agencies in the region using DAMION PROSECUTOR. To foster communication among these agencies and address common information management issues, those subscriber agencies desire to create an organization known as the DAMION Prosecutor Management System Users' Committee.

These Bylaws are established to determine the membership, organization, and procedures governing the Users' Committee operations.

ARTICLE I. MEMBERSHIP

Section 1. Identification of Membership

The DAMION Prosecutor Management System Users' Committee (hereinafter "Users' Committee") shall consist of one voting member representing the Host and each Subscriber agency. The composition of the Users' Committee shall be as follows:

- A. Voting Members
 - 1. A representative appointed by the St. Louis County Attorney;
 - 2. A representative appointed by the Carlton County Attorney;
 - 3. A representative appointed by the Lake County Attorney;
 - 4. A representative appointed by the Cook County Attorney;
 - 5. A representative appointed by the Koochiching County Attorney;
 - 6. A representative appointed by the Pine County Attorney;

7. A representative appointed by the Chief Prosecutor of any other municipality or county subscribing to DAMION PROSECUTOR after the effective date of this Agreement and approved for membership on the Users' Committee by a majority of the existing membership.

Section 2. Vacancies.

If an appointed member becomes unable to participate in the Users' Committee, the appointing agency shall make another appointment to fill the vacancy. Such appointments shall be made at the appointing agency's earliest possible convenience.

Section 3. Term of Appointment

Each appointment to the Users' Committee shall be for one (1) calendar year. Any vacancy appointment shall be for the unexpired duration of the term.

Section 4. Alternate Members

Each appointing authority may appoint, in writing, an alternate member to the Users' Committee to provide representation if the original member is temporarily unable to attend.

Section 5. Withdrawal

The right to be seated or represented on the Users' Committee is automatically withdrawn if any one of the aforementioned agencies discontinues participation as a DAMION PROSECUTOR Subscriber. Representation ceases on the effective date of the agency's discontinuance of participation.

Section 6. Additional Members

Any prosecuting agency subscribing to DAMION PROSECUTOR may request membership on the Users' Committee. Such a request will be placed on the agenda of the next regularly scheduled Users' Committee meeting. The request will be approved by a majority vote of the Users' Committee, and subject to the requesting agency's agreement to the terms and conditions of these Bylaws.

ARTICLE II. ORGANIZATION

Section 1. Officers

At the annual meeting of the Users' Committee, the voting membership shall elect a chair and vice-chair from amongst its members. These appointments shall last for the calendar

year. An organizational meeting shall be held in January of each year, at which time these positions shall be elected from the voting membership of the Users' Committee.

Section 2. Duties of Officers

- A. Chair. The chair shall have the following responsibilities:
1. Supervise the affairs of the Committee;
 2. Preside at all meetings;
 3. Appoint subcommittees as may be necessary and serve as an ex-officio member on all committees;
 4. May vote on all issues;
 5. Schedule special meetings;
 6. Determine meeting location in the event change is needed prior to regularly scheduled meetings.

The chair shall preserve order and decorum and shall decide questions of order, subject, however, to an appeal to the committee. The members shall refrain from private discussions while the committee is in the process of committee business. The chair shall call a member to order and the member shall immediately suspend remarks unless permitted to explain. If no appeal is made, the decision of the chair shall be deemed conclusive; but, if a member chooses to appeal from the decision of the chair, the committee shall decide the point without debate.

- B. Vice-chair. The vice-chair shall have the following responsibilities:
1. Perform those duties delegated by the chair;
 2. Act as chair in the event of the chair's illness, disability, absence from meeting, or inability to readily function as chair.
- C. Secretary. The secretary shall have the following responsibilities:
1. All correspondence
 2. All reporting and recording functions for the User's Committee

Section 3. Vacancies in Officer Positions

- A. Chair. In the absence of the chair, the vice-chair shall be chair.
- B. Vice-chair or Secretary. If a vacancy occurs in the office of vice-chair or the office of secretary, the regular members shall elect an individual to fill the remaining time left in the term.

Section 4. Committees

- A. Standing Committees.
 - 1. Systems Administration Committee: The Systems Administration Committee is responsible for establishing common standards where necessary to ensure the integrity of the data available in DAMION PROSECUTOR. These standards shall include code tales and data dictionary standards, and any standards developed by CrimNet or other similar agency or entity.
 - 2. The Users' Committee may establish any other standing committees Committee pursuant to Article III of these Bylaws.
- B. Special Committees. The chair may appoint special committees as there is a need, and the chair of the Users' Committee will appoint a chair of each such special committee. Special committees shall, in all cases, report to the Users' Committee. All reports by special committees shall be presented in writing at a regular or special meeting of the Users' Committee. Matters referred to special committees shall be acted upon without undue delay.

Section 5. NEMESIS Coordinating Committee

The Users' Committee shall elect two representative to the NEMESIS Coordinating Committee, in accordance with the Bylaws of the NEMESIS Coordinating Committee.

ARTICLE III. PROCEDURES

Section 1. Bylaws to Govern Operations of Users' Committee

Application of Bylaws. Unless otherwise specifically indicated, these Bylaws shall apply to the transaction and administration of all Users' Committee business and to the conduct of all meetings. Nothing in these Bylaws is intended to conflict with the provisions of other contracts or Subscriber agreements the individual Subscriber may have with vendors or other

agencies. In the event any such conflict arises, the terms of the relevant agreement shall prevail.

- A. Robert's Rules of Order to Govern. In the absence of any rule upon any matter of business, the Users' Committee shall be governed by Robert's Rules of Order.
- B. Parliamentary Procedures. The chair of the Users' Committee shall make all parliamentary rulings. The secretary of the Users' Committee shall serve as the parliamentarian advisor to the Users' Committee.
- C. Suspension of Bylaws. These Bylaws may be suspended by a majority vote of the Users' Committee members present and voting.
- D. Amendment of Bylaws. These Bylaws may be amended by a majority vote of the Users' Committee members present and voting. All proposed amendments shall be presented in writing to all voting Users' Committee members. All voting members shall have a minimum of ten (10) days to review the written proposed amendments prior to Users' Committee action.
- E. Adoption. These Bylaws, and any amendments hereto, shall become effective immediately upon approval by the voting members.

Section 2. Meetings

- A. Meeting Arrangements.
 - 1. Regular Meetings of the Users' Committee shall be held upon a schedule established by the Chair. The time of the meetings shall be set by the chair and shall be generally convenient for the members.
 - 2. The Chair may call special meetings of the Users' Committee.
 - 3. Location. The User's Committee shall select a meeting location which shall be convenient and suitable for the members.
 - 4. Notice. All members shall be notified of any meeting of the Users' Committee at least 24 hours in advance of the meeting. In addition, the NEMESIS Coordinating Committee shall be provided with a schedule of regular meetings at the beginning of each calendar year.
- B. Order of Business. The following shall be the order of business conducted during the Users' Committee meetings:

1. Roll call;
 2. Approval of minutes of previous meeting;
 3. Communications;
 4. Unfinished business;
 5. New business;
 6. Reports of officers and committees;
 7. Other business that may be appropriately brought before the Board;
 8. Adjournment.
- B. Attendance. Attendance at least 60 percent of the meetings over the course of a year is required. Further, a member may not miss more than three (3) consecutive meetings. Excused absences will be allowed by calling the MIS Director or designee and notifying of the reason for an absence prior to the meeting.
- E. Members and Quorum. Individual members of the Users' Committee may attend meetings by means of a speaker phone system and may vote with the same privilege. In the event of unavailability by a voting member, the appointing authority may designate an alternate. The alternate shall have voting privileges. A quorum shall consist of a majority of voting members, including alternates. No motions shall be voted on in the event that a majority of the voting members or their alternates are absent.
- F. Precedence of Items. Proposals under consideration shall have the following precedence:
- To lay on the table;
 - To postpone;
 - To commit, that is, to refer to committee;
 - To amend;

To adjourn. A motion to adjourn shall be entertained only after the completion of the formal agenda and shall be decided without debate.

Decision Making. Each matter considered shall be decided by consensus of the voting members. If the issues of procedure cannot be decided by consensus, they will then be decided by a majority vote or according to these Bylaws. The manner in which each member votes upon all propositions will be entered in the journal of the proceedings of the committee.

Conflict of Interest. Each member, including the chair, shall be entitled to vote on all questions, unless a particular issue involves a conflict of interest. A decision to abstain from voting shall also extend to discussion. Testimony, however, may be offered.

Any question of whether a particular issue involves a conflict of interest sufficient to disqualify a member from voting thereon shall be decided by a majority vote of the attending members except the member who is being challenged.

Any member who believes he or she may have a conflict of interest, or who has a relative who has an interest, in any decision to be made by the committee shall disclose such interest and either disqualify him or herself or seek a ruling pursuant to these Bylaws.

Any person may, in person or in writing, challenge whether any member may have a conflict of interest.

Records. The Users' Committee shall keep a written record of its transactions, findings, and determinations on all matters referred to it.

Section 3. Compensation

The members of the Users' Committee are not to be compensated for their services; no per diem for attending meetings will be provided to the members.

Section 4. Data Practices

Pursuant to Minnesota Statutes Chapter 13, Host and Subscribers agree that they will continue to be responsible authorities only for data created by their agency. Nothing in this Agreement shall result in any change in responsibilities for data practices requests, data access procedures, and compliance responsibilities of the individual agencies. Host and Subscribers agree that the originator of the data continues to own the data and responsibilities attendant to creation and maintenance of such data.

IN WITNESS WHEREOF, the parties have caused these Bylaws to be duly executed intending to be bound thereby.

ST. LOUIS COUNTY

By: _____
Melanie Ford
County Attorney

Date: _____

CARLTON COUNTY

By: _____
Thomas Pertler
County Attorney

Date: _____

COOK COUNTY

By: _____
Timothy Scannell
County Attorney

Date: _____

KOOCHICHING COUNTY

By: _____
Philip Miller
County Attorney

Date: _____

LAKE COUNTY

By: _____
Russ Conrow
County Attorney

Date: _____

PINE COUNTY

By: _____
John Carlson
County Attorney

Date: _____

APPROVED AS TO FORM & EXECUTION

By: _____
Dale Harris
Assistant St. Louis County Attorney