

**BYLAWS OF THE JUVENILE JUSTICE COMMISSION
OF SANTA CLARA COUNTY**

PURPOSE

The Juvenile Justice Commission of Santa Clara County (“Commission”) is a state-mandated, court-appointed authority. The broad purpose of the Commission is to inquire into the administration of the juvenile court law in the County. The Commission is dedicated to the promotion of an effective juvenile justice system operated in an environment of credibility, dignity, fairness, and respect for the youth of Santa Clara County.

**ARTICLE I
STATUTORY DUTIES AND AUTHORITY**

1.1 The Commission is established through the provisions of Article 2, commencing with Section 225, of Chapter 2 of Part 1 of Division 2 of the California Welfare and Institutions (W&I) Code.

1.2 In accordance with the provisions of the W&I Code and the Penal Code, the Commission has the following statutory duties and authority:

A. To inspect no less frequently than once a year all publicly administered institutions, including Juvenile Hall and Ranch facilities, authorized or whose use is authorized by the Juvenile Court Law, Chapter 2 (beginning with Section 200) of Division 2 of the Welfare and Institutions Code, and inspect annually any jail or lockup within the County that is used for confinement of any minor for more than 24 hours, and to report the results of such inspection in writing to the Juvenile Court and to the Board of State and Community Corrections. (W&I Code 229)

B. To inquire into the administration of juvenile justice in a broad sense, including, but not limited to, operations of the Juvenile Court, Probation Department, Social Services Agency and any other agencies involved with juvenile delinquency or dependency. (W&I Code 229)

C. To publicize findings and recommendations as decided by the Commission. (W&I Code 230)

D. To assure that needed services are identified, developed, and provided for the children and youth of the County. (various W&I Code sections)

E. To participate in the selection process for the Chief Probation Officer. (W&I Code 270)

F. To inquire into the operation of any group home in the County that serves wards or dependent children of the Juvenile Court to review the safety and well-being of the

wards and dependent children. (W&I Code 229.5)

G. To advise the Board of State and Community Corrections concerning security, rehabilitation programs, recreation, and treatment of persons confined in correctional facilities. (Penal Code 6030)

H. To consult with the Director of the Division of Juvenile Justice of the California Department of Corrections and Rehabilitation concerning the operation and maintenance of the Juvenile Hall. (W&I Code 1760.7)

I. To coordinate on a countywide basis the work of governmental and nongovernmental organizations engaged in activities designed to prevent juvenile delinquency. (W&I Code 233)

ARTICLE II MEMBERS

2.1 The Commission shall consist of fifteen members. Two or more of the members shall be persons who are between 14 and 21 years of age, provided there are available persons between 14 and 21 years of age who are able to carry out the duties of a Commission member in a manner satisfactory to the Superior Court.

2.2 Members of the Commission shall be residents of the County. The membership of the Commission should be representative of the community and should include representation from the different geographical areas of the County. Members of the Commission must complete any required background check process.

2.3 Upon a vacancy occurring in the membership of the Commission and upon the expiration of the term of office of any member, a successor shall be appointed by the Presiding Judge of the Superior Court with the concurrence of the Presiding Judge of the Juvenile Court. Recommendations to the Presiding Judge for membership on the Commission shall be made by the Commission. Referrals for consideration of new Commission members may be made to the Membership Committee by community groups, elected or appointed public officials, or individual residents.

2.4 Appointment shall be for a term of four years, except the appointment of youth members between 14 and 21 years of age, which shall be for a term of two years. A youth member may be appointed as an adult member upon reaching the age of 18 if a vacancy exists. When a vacancy occurs for any reason other than the expiration of a term of office, the member filling such vacancy shall be appointed for the unexpired term of his/her predecessor.

2.5 A member who wishes to serve an additional term shall notify the Chairperson of the Commission and the Presiding Judge of the Juvenile Court prior to the expiration of his/her term.

2.6 Each newly (re)appointed member shall be notified by the Court and shall appear before the Presiding Judge of the Superior Court or his/her designee and qualify by taking an oath to faithfully perform the duties of a member of the Commission. The qualifications of each member shall be entered in the Juvenile Court record.

2.7 [to be renumbered later] Upon taking the oath of office each Commissioner shall agree by signed writing that they have reviewed and understand the Bylaws and agree to abide by the Bylaws.

2.8 Members shall use the authority of the Commission only in the interest of the youth of the County, and shall use discretion, diligence and integrity in conducting the business of the Commission. Members shall not use their status to exert undue influence or obtain favors from the Court on behalf of any youth.

2.9 Members shall keep Commission matters, juvenile records, cases observed, investigation specifics and inspection reports confidential prior to their approval and release.

2.10 Members shall work in teams of two or more when representing the Commission or in gathering information, except when the Chairperson of the Commission or his/her designee speaks for the Commission. Members shall identify themselves and display photo identification cards issued by the Court when representing the Commission.

2.11 All public appeals, applications, complaints and other communications concerning the business of the Commission shall be referred to the Chairperson of the Commission for investigation and report to the full Commission. Failure to adhere to this policy may constitute a cause for action.

2.12 The Chairperson of the Commission shall be the chief spokesperson on behalf of the Commission. Press or media release(s) of information or public statements on behalf of the Commission shall be issued only by the Chairperson of the Commission or his/her designee, and all press or media contacts shall be referred to the Chairperson.

A. Individual members acting in their own individual capacities have no authority to commit the Commission to any policy determination or course of action unless the Commission has previously authorized or subsequently ratified such act by an individual member of the Commission. While nothing in this section shall be construed to prevent members from expressing themselves as individuals, members shall not use the title of Commissioner to support individuals or positions unless they have been authorized by the Commission to do so. If the member is known to the listener as a Commissioner, the member shall, where appropriate, include a disclaimer that such expression is made in an individual capacity and not as an official statement for the Commission.

B. The Commission may, through its Chairperson, advocate in support of or

opposition to proposed or existing legislation that affects services for the children and youth of the County.

2.14 A member desiring to resign from the Commission shall submit his/her resignation in writing to the Presiding Judge of the Superior Court with copies to the Presiding Judge of the Juvenile Court and the Chairperson of the Commission.

2.15 A member who accumulates three absences from regular or special meetings during the fiscal year shall be considered as having resigned from the Commission at the discretion of the Commission upon recommendation from the Executive Committee. Such resignations shall be communicated by the Chairperson of the Commission to the Presiding Judge of the Superior Court and the Presiding Judge of the Juvenile Court.

ARTICLE III OFFICERS

3.1 The officers of the Commission shall be Chairperson, Vice Chairperson, and Secretary. Officers of the Commission shall serve one-year terms beginning July 1 and ending June 30 each year.

3.2 Officers shall be elected by a majority vote of the members at the Commission's regular June meeting upon nominations made by the Nominating Committee at the Commission's regular May meeting.

3.3 Officers may be removed from office at any time, for cause, by a majority vote of the members.

3.4 No member shall hold more than one office at a time and no member shall be eligible to serve more than two full consecutive years in the same office.

3.5 In the event of a vacancy in the office of the Chairperson or in the absence of the Chairperson, all of the powers and duties of that office shall devolve upon the Vice Chairperson, who shall continue to exercise such powers and duties until the vacancy is filled or the Chairperson returns.

3.6 In the event of a vacancy in the office of Chairperson, Vice Chairperson, or Secretary by death, resignation, or otherwise, a nomination shall be made by the Nominating Committee as soon as practicable and a vote shall be taken at the next regular meeting to elect a successor for the remainder of the normal term of office.

ARTICLE IV

MEETINGS

4.1 Since the Commission is adjunct to the judicial branch of government, it therefore is not subject to the open meeting requirements of the Ralph M. Brown Act (California Government Code Sections 54950 et seq.). The Commission shall meet in open session every month followed by a closed executive session.

4.2 The regular meeting of the Commission shall be held on the first Tuesday of each month unless otherwise ordered by the Chairperson or the Executive Committee. These meetings are open to the public. In the event the meeting day falls on a legal holiday, the meeting shall be cancelled or rescheduled at the discretion of the Chairperson.

4.3 Special meetings may be called by the Chairperson or the Executive Committee. Special meetings of the Commission may be open to the public and may be called at any time and at any place within the County of Santa Clara designated in the notice and call of the special meeting.

4.4 A quorum for the transaction of business shall consist of eight members. If no quorum is present, the official meeting shall be adjourned. If those present choose to remain, all discussions shall be considered informal and no motions shall be considered.

4.5 The Chairperson shall preside at all meetings of the Commission at which he/she is present. The Chairperson shall perform such duties and exercise such powers as usually pertain to the office of Chairperson, and shall also have such additional powers as may be granted by the Commission.

4.6 The Vice Chairperson shall preside at all meetings of the Commission in the absence of the Chairperson, and shall perform such other duties as may be enjoined upon him/her by the Commission.

4.7 In the event of the absence, disability, or refusal to act of the Chairperson and the Vice Chairperson at any meeting of the Commission when a quorum is present (as determined by the Secretary by roll call), the members present may elect, by majority vote of the members voting, a Chairperson pro tem for that meeting.

4.8 Agenda preparation is the responsibility of the Chairperson and the Secretary. Any member may submit agenda items.

4.9 Requests for non-members to discuss a matter before the Commission should be received ten days prior to the meeting date.

4.10 When the Commission, in its discretion undertakes the investigation of a systemic issue regarding a youth under its jurisdiction, the Presiding Judge of the Juvenile Court has the power to issue subpoenas requiring attendance and testimony of witnesses and production of papers if a hearing is deemed necessary by the Commission. Request for

such investigations may be made by written request or oral petition presented at a regular commission meeting. The Commission does not investigate the circumstances of individual youth, but rather issues of a systemic nature which have an impact on all youth under the jurisdiction of the Commission.

4.11 Commission business and the business of its committees shall be decided by a majority vote of the members present, except as specified otherwise within other sections of these bylaws.

4.12 The Secretary shall keep minutes of all meetings of the Commission. Attendance of members shall be taken and recorded in the minutes and all votes shall be taken and recorded in the minutes, with abstention recorded as such.

4.13 Telephonic or Electronic Participation: Commissioners may participate in any meeting through the use of conference telephone, Internet-based communications system, or other electronic or telephonic communications equipment, so long as all members participating in such meeting can hear one another. Participation in a meeting by this means constitutes presence in person at such meeting.

ARTICLE V COMMITTEES

5.1 The standing committees are the Executive Committee, the Nominating Committee, the Membership Committee, and five Inspection Committees (one each to inspect Juvenile Hall, William F. James Ranch, Admissions and Receiving Facilities for Children Described in W&I Code 300, Short Term Residential Treatment Programs (STRTPs), and jails or lockup facilities used for confinement of minors, including police departments and the Sheriff's Office). Each standing committee shall have at least three members, who shall be appointed by the Chairperson of the Commission.

5.2 Executive Committee

5.2.A The Executive Committee shall consist of the Chairperson of the Commission, who shall serve as the chairperson of the Committee; the Vice Chairperson of the Commission; the Secretary of the Commission; and the immediate past Chairperson of the Commission. No other commissioner shall sit on the Executive Committee, but Executive Committee meetings shall be open to all commissioners, and the Chairperson of the Commission may request any commissioner's attendance at an Executive Committee meeting.

5.2.B The Executive Committee shall have responsibility for general supervision of the Commission's affairs between regular meetings.

5.2.C The Executive Committee shall keep a record of its meetings and shall report on its proceedings as requested by the Commission.

5.2.D The Executive Committee shall adopt a plan of action which shall set goals and objectives for the year and a method for final summary of projects.

5.2.E The Executive Committee shall annually present a written review covering the previous year's goals and objectives and Commission activities for approval by majority vote of the members. Copies of this report shall be sent to the Presiding Judge of the Superior Court and to others as determined by the Commission.

5.3 The Nominating Committee shall be chaired by the immediate past Chairperson of the Commission. It shall have responsibility for nominating commissioners to serve as officers of the Commission, and to present such nominations at the Commission's regular May meeting each year.

5.4 The Membership Committee shall be chaired by the Vice Chairperson of the Commission. It shall have responsibility to review applications and conduct interviews of applicants for Commission membership, and recommend to the Commission potential new Commission members.

5.5 Each Inspection Committee shall be chaired by a chairperson appointed by the Chairperson of the Commission. Each Inspection Committee shall have responsibility for ensuring the inspection of the facility within its jurisdiction and shall ensure that there are always at least two members conducting inspections, interviews, and investigations. Inspection Committees shall:

A. Inspect facilities no less frequently than once a year and prepare reports on findings and recommendations for approval by majority vote of the members. Copies of reports shall be sent to the Presiding Judge of the Superior Court and others as required or as determined by the Commission.

B. Monitor compliance by the relevant facility with applicable federal and state law and regulations.

C. Monitor progress by the relevant facility in addressing areas of concern.

5.6 The Commission may, upon majority vote, establish special, ad hoc, or additional standing committees, including Subject Matter Committees established to focus as necessary on specific areas including pending legislation, equity and justice, continuum of care, and education. The Commission shall review the activities of these committees annually.

5.7 The Executive Committee may, upon majority vote, establish special or ad hoc committees in order to perform task force functions on any matter within the jurisdiction of the Commission, including, without limitation, complaints brought to the attention of the Commission. Upon and subject to direction by the Executive Committee, each such special or ad hoc committee shall define its work plan and submit its findings in writing to the

Executive Committee.

**ARTICLE VI
PARLIAMENTARY AUTHORITY**

The rules contained in the current edition of Robert's Rules of Order shall guide the Commission in all matters to which said rules are applicable and in which said rules are not inconsistent with these bylaws and any special rules of order that the Commission may adopt.

**ARTICLE VII
AMENDMENT OF BYLAWS**

These bylaws may be amended at any regular meeting of the Commission by a two-thirds approval vote of the members, provided that the amendment has been submitted in writing at the previous regular meeting of the Commission and is listed on the agenda as a subject for discussion.

Approved by the Juvenile Justice Commission of Santa Clara County on September 14, 2021.