

DRAFT: 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 Santa Clara County ("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 and Chapter II (commencing with Section A6-19) of Division A6 of Title A of the County of Santa Clara Ordinance 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 all publicly administered facilities housing children and youth coming under the jurisdiction of the Juvenile Law.
- B. To inquire into the administration of juvenile justice operations within Santa Clara County.
- C. To assure that best practice services are identified, developed, and provided for the children and youth of the County.

ARTICLE II MEMBERS

2.1 The Commission shall consist of fifteen members.

2.2 Members of the Commission must reside in, or work or have worked within Santa Clara County; and must be available for in-person public meetings and inspections.

2.3 An individual's membership on the Commission is conditioned upon the individual taking an oath faithfully to perform the duties of a member of the Commission; successfully completing any required background check process; and executing a writing stating that the individual has reviewed, understands, and shall abide by these Bylaws.

2.4 Upon a vacancy occurring or anticipated to occur in the membership of the Commission and upon the expiration of the term of any member, the Commission may make recommendations to the Presiding Judge of the Superior Court and the Presiding Judge of the Juvenile Court of individuals who may be appointed to the Commission.

Through the Membership Committee, the Commission may invite or receive referrals by community groups, elected or appointed public officials, individual residents, or others of individuals that the Commission consider recommending to the Presiding Judge of the Superior Court and the Presiding Judge of the Juvenile Court. It is the intent and desire of the Commission that the membership of the Commission be representative of the community and include representation from the different geographical areas of Santa Clara County and conform to the requirements of W&I Code § 225, and the Commission shall make recommendations to the Presiding Judge with due regard for these intents and desires.

2.5 Terms. Members shall have a term of four years and until their respective successor is appointed and qualified.

2.6 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 their term.

2.7 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.

2.8 Members shall keep Commission matters, juvenile records, cases observed, investigation specifics and inspection reports confidential except to the extent that disclosure is required by law, information is disclosed through publication of a report of the Commission that is approved by the Commission, or disclosure is authorized by a majority vote of the Commission upon the written recommendation of the Executive Committee.

2.9 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 their designee speaks for the Commission. Members shall identify themselves and display photo identification cards issued by the Court when representing the Commission or acting in the course of their authority or duty as members of the Commission.

2.10 In the event an individual member receives a public appeal, application, complaint, press or media inquiry, or other communication concerning the business of the Commission, the member shall refer the item to the Chairperson of the Commission, who shall have authority and responsibility to investigate, process, and report the item to the full Commission.

2.11 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 their designee.

A. Except to the extent such authority has been delegated by majority vote of the Commission, no individual member has authority to speak on behalf of the Commission, commit the Commission to any policy determination or course of action or act on behalf of the Commission. While nothing in this section shall be

construed to prevent members from expressing themselves as individuals, members shall not represent themselves as speaking for or acting on behalf of the Commission or refer to themselves as commissioners for any reason other than identification. Members are affirmatively obligated to proactively disclaim any authority to speak on behalf of or represent the Commission in any circumstance where the member knows or should know that any listener knows the member is a member of the Commission.

B. The Commission may, through its Chairperson or designated appointee, advocate in support of or opposition to proposed or existing legislation that affects services for the children and youth of the County.

2.12 Written Resignation. A member may resign from the Commission at any time for any reason by providing their 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. The resignation shall be effective on the date and time set forth in the written resignation. If the written resignation does not specify a date and time, the resignation shall be effective immediately upon receipt by the Chairperson of the Commission.

2.13 Resignation by Nonattendance. The Commission may consider a member who accumulates three absences from regular or special meetings of the Commission within the year commencing July 1 and ending June 30 without the prior approval of the Chairperson of the Commission to have resigned from the Commission as outlined in the written Policies and Procedures that are adopted, and may from time to time be amended, by a majority vote at a regular meeting of the Commission, and that are provided to all members of the Commission upon adoption or amendment and are provided to all new members upon commencement of their terms.

2.14 Misconduct or Violation of Commission Bylaw. The Commission may recommend expulsion to the Presiding Judge, of any member from the Commission for good cause shown as outlined in the written Policies and Procedures that are adopted, and may from time to time be amended, by a majority vote at a regular meeting of the Commission and that are provided to all members of the Commission upon adoption or amendment and are provided to all new members upon commencement of their terms.

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 Membership 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 absence of a Chairperson (whether by nonattendance at a meeting, recusal, disability, incapacity, refusal to act, death, resignation, or otherwise, or by other vacancy in the office), all of the powers and duties of the office of the Chairperson shall devolve upon the Vice Chairperson, who shall continue to exercise such powers and duties until the Chairperson is no longer absent.

3.6 In the event of a vacancy in the office of any officer by disability, incapacity, refusal to act, death, resignation, or otherwise, a nomination shall be made by the Membership Committee as soon as practicable, and a vote shall be taken either at the next regular meeting or by electronic communication to recommend 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 Public meetings 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. The Commission may, in its discretion, also meet in executive session that is closed to the public. In the event the meeting day falls on a legal holiday, the meeting shall be canceled or rescheduled at the discretion of the Chairperson.

4.3 Special meetings may be called by the Chairperson or the Executive Committee at any time and at any place within the County that is designated in the notice and call of the special meeting. The Commission may, in its discretion, meet in an open session that is open to the public and/or in executive session that is closed to the public.

4.4 A quorum for the transaction of business shall be 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 they are present. The Chairperson shall perform such duties and exercise such powers as usually pertain to the office of Chairperson or presiding officer, and shall also have such additional powers as may be granted by the Commission.

4.6 The Vice Chairperson shall exercise the power and perform the duties set forth in Section 3.5 of these Bylaws; and shall also perform such other duties as may be assigned by the Commission.

4.7 In the absence of both the Chairperson and Vice Chairperson, the Secretary shall exercise the power and perform the duties set forth in Section 3.5 of these Bylaws; and

shall also perform such other duties as may be assigned by the Commission.

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

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

4.10 If in its discretion the Commission determines that circumstances warrant the attendance and testimony of witnesses and production of papers at a hearing of the Commission, the Commission may request that the Presiding Judge of the Juvenile Court issue subpoenas requiring such attendance, testimony, and production. Any person may request that the Commission undertake an investigation of a systemic issue relating to a youth or youths subject to the Juvenile Court Law within Santa Clara County. A request may be made in writing at any time and may also be made orally during the public meeting of the Commission. The Commission shall clarify to any person making such a request that the Commission does not investigate circumstances specific to an individual youth, and instead investigates issues of a systemic nature related to the administration of the Juvenile Court Law in Santa Clara County.

4.11 Commission business and the business of its committees shall be decided by a majority vote of the members present, except as otherwise specified by 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 a meeting.

ARTICLE V COMMITTEES

5.1 The standing committees are the Executive Committee, the Membership Committee, and Inspection Committees for all facilities housing youth under the jurisdiction of the Juvenile Court. These committees will be established at the beginning of the fiscal year. Other committees will be established as necessary to address the care of youth under the jurisdiction of the Juvenile Court or as necessary for the effective functioning of the Commission. All committees shall have at least three members, who shall be appointed by the Executive Committee of the Commission.

5.2 Executive Committee

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.

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

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

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.

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 Membership Committee shall be chaired by a commissioner appointed by the Executive Committee. The Committee is responsible for:

A. Nominating commissioners to serve as officers of the Commission, and to present such nominations at the Commission's regular May meeting each year.

B. Reviewing applications and conducting interviews of applicants for the Commission. The Committee proposes to the Commission the appointment of individuals who then are voted on by the Commission. Approved individuals are recommended for appointment to the Presiding Judge of the Superior Court.

5.4 Each Inspection Committee shall be chaired by a commissioner appointed by the Executive Committee. Each Inspection Committee shall have responsibility for completing the inspection of the facility within its jurisdiction and shall ensure that there are always at least two members conducting inspections, interviews, and investigations.

5.5 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 at least quarterly.

5.6 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 govern the Commission in all matters to which said rules are applicable and in which said rules are not inconsistent with applicable law, these Bylaws, and any special rules of order, policies, and procedures that the Commission may adopt.

**ARTICLE VII
AMENDMENT OF BYLAWS**

The Commission may amend these Bylaws 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 as to form and legality by County Counsel.

Approved by the Juvenile Justice Commission of Santa Clara County on December 3, 2024.