

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

**PURPOSE**

The Juvenile Justice Commission of Santa Clara County 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 Juvenile Justice 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 California Corrections Standards Authority. (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 California Corrections Standards Authority 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 Facilities 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 citizens. 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.

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 Supervising Judge of the Juvenile Court. Recommendations to the Presiding Judge for membership on the Commission shall be made by the Commission through the Membership Committee. Referrals for consideration and review by the Membership Committee and the Presiding Judge may be made by community groups, elected or appointed public officials or individual citizens.

2.4 Appointment shall be for a term of four years, except the appointment of 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 Supervising 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. Recognizing that all Juvenile Court matters are confidential, each member shall sign an oath of confidentiality upon taking the oath of office. The qualifications of each member shall be entered in the Juvenile Court record.

2.7 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 Supervising Judge of the Juvenile Court and the Chairperson of the Commission.

2.8 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 Supervising Judge of the Juvenile Court.

2.9 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.

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

2.11 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.

2.12 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.

2.13 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. 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. Nothing in this section shall be construed to prevent members from expressing themselves as individuals, but such action should, where appropriate, include a disclaimer that such expression is made in an individual capacity and not as an official statement for the Commission.

2.14 Members shall be reimbursed for their actual and necessary expenses incurred in the performance of their duties. Each member shall semiannually submit to the Superior Court a mileage and supplies report, with copies of receipts attached.

### **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. Officers shall be elected by a majority vote of the members. Officers may be removed from office at any time, with cause, by a majority vote of the members.

3.2 Nomination(s) for the offices of Chairperson, Vice Chairperson and Secretary shall be made by the Nominating Committee at the Commission's regular May meeting. A vote shall be taken at the regular June meeting.

3.3 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.

3.4 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.

3.5 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 Chairperson of the Commission may close any regular or special meeting to the public as deemed necessary and appropriate.

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 may be open to the public. In the event the meeting day falls on a legal holiday, the meeting shall be deemed cancelled.

4.3 The location and time of meetings shall be at the discretion of the Executive Committee. A schedule of meeting times, dates and places shall be announced by the Chairperson of the Commission.

4.4 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.

4.5 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.

4.6 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.

4.7 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.

4.8 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.

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

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

4.11 Written requests or an oral petition concerning a youth's welfare shall be presented at a meeting of the Commission. The Supervising Judge of the Juvenile Court shall have the power to issue subpoenas requiring attendance and testimony of witnesses and production of papers at a specified hearing.

4.12 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.

4.13 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.

## **ARTICLE V EXECUTIVE COMMITTEE**

5.1 The Executive Committee shall consist of the Chairperson, Vice Chairperson, Secretary and the immediate past Chairperson. Committee Chairpersons may be asked to attend Executive Committee Meetings when appropriate. The Chairperson of the Commission shall serve as Chairperson of the Executive Committee.

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

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

5.4 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.

5.5 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.

## **ARTICLE VI COMMITTEES**

6.1 The standing committees are: Executive Committee, Nominating Committee, Membership Committee and the Inspection Committees. Each Committee is composed of at least three members, who shall be appointed by the Chairperson of the Commission. The Chairperson of the Commission shall select Committee Chairpersons.

6.2 The Nominating Committee shall be chaired by the immediate past Chairperson. Two additional members shall be appointed by the Chairperson of the Commission.

6.3 The Membership Committee shall be chaired by the Vice Chairperson. Two additional members shall be appointed by the Chairperson of the Commission.

6.4 Inspection Committees shall be established for each of the following institutions: Juvenile Hall; William F. James Boys Ranch; Muriel C. Wright Residential Center; Children's Shelter; and group homes. In addition, a separate Inspection Committee shall inspect jails or lockup facilities used for confinement of minors, including police departments and the Sheriff's Office. There shall always be at least two members conducting inspections, interviews or 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 with applicable federal and state law and regulations.
- C. Monitor progress in addressing areas of concern.
- D. Investigate petitions brought to the Commission on behalf of residents of the various facilities, or their parents or guardians`.

6.5 Special or Ad Hoc Committees may be established by the Executive Committee as needed to perform task force functions on any matter within the jurisdiction of the Commission. Each such Committee shall define its work plan and submit its findings in writing to the Executive Committee.

## **ARTICLE VII 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 VIII  
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 Santa Clara County Juvenile Justice Commission on November 6, 2007.