

STATE OF NEW YORK
Division of Criminal Justice Services
BY-LAWS OF THE
NEW YORK STATE JUVENILE JUSTICE ADVISORY GROUP

Amended July 2, 2009

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Division of Criminal Justice Services
By-Laws of the
New York State Juvenile Justice Advisory Group

ARTICLE I – NAME, MEMBERSHIP AND FUNCTIONS

Section 1: Names

The name of the group is the “JUVENILE JUSTICE ADVISORY GROUP” (hereinafter referred to as the “GROUP”).

Section 2: Membership

- (a) The Juvenile Justice Advisory Group appointed by the Governor shall consist of not more than 33 participating and voting members in conformance with the requirements of the Juvenile Justice and Delinquency Prevention Act of 1974 (hereinafter referred to as the “JJDP Act”), Public Law 93-415. The GROUP shall be comprised of persons with training or experience in the juvenile justice field, a majority of whom may not be full time government employees. At least one-fifth of the members must be under the age of 24 at the time of appointment. In addition, the GROUP may contain such ex officio members as the Governor may, from time to time appoint.
- (b) Voting members appointed on or after January 8, 2005 shall serve for a term of four years from the date of appointment. Such members may be reappointed after the expiration of their four-year term at the Governor’s discretion. All other voting members shall serve for a term that will expire on September 1, 2009, subject to reappointment at the Governor’s discretion.
- (c) If a voting member fails to attend three consecutive regular meetings or fails to send an authorized designee (preferably the same individual), the GROUP must be apprised of the fact by the Chairperson at the next regularly scheduled meeting. Upon the vote of a majority of the current voting members then serving on the GROUP, a resolution of the GROUP shall be presented to the Governor recommending that the member be removed from the GROUP.

Section 3: Functions

The GROUP shall advise and make appropriate recommendations to the Division of Criminal Justice Services (hereinafter referred to as “DCJS”) in regard to:

- (a) The review of the Comprehensive Juvenile Justice Plan;
- (b) The review of all grant applications for JJDP Act funds;
- (c) The consideration of juvenile justice matters referred to the GROUP by the Commissioner of DCJS, the Legislature or the Governor’s Office;
- (d) Other issues in the area of juvenile justice not expressly referred to in (a) through (c).

ARTICLE II – CHAIRPERSON OF THE GROUP: DESIGNATION AND FUNCTIONS

Section 1: Chairperson

The Chairperson shall be a member of the GROUP who is so designated by the Governor. The Chairperson shall not be a full-time employee of local, state or federal government.

Section 2: Chairperson to Preside

The Chairperson shall preside over meetings of the GROUP and shall exercise such powers and perform such duties as are prescribed by these by-laws.

Section 3: Temporary Absence of the Chairperson

When the Chairperson expects to be absent from a meeting of the GROUP, he/she may designate a member of the GROUP to act as Chairperson of that meeting. If the Chairperson is absent from a meeting and has not designated an Acting Chairperson, the Commissioner of DCJS or his/her designee shall convene the meeting and shall act as Chairperson thereof until an Acting Chairperson shall be chosen by the members present at the meeting, from among such members, to preside at that meeting.

Section 4: Resignation, Death or Disability of the Chairperson

In the event of the resignation, death or long-term disability of the Chairperson, the Chairpersonship of the GROUP shall remain vacant until the designation of a successor Chairperson by the Governor. During such a period of vacancy, the Commissioner of DCJS or his/her designee shall assume all of the functions, powers and duties of the Chairperson as prescribed by these by-laws until such time as a Temporary Chairperson

is selected by the GROUP, from among the GROUP members, at the next regular meeting or special meeting of the GROUP called for that purpose.

ARTICLE III – COMMITTEES OF THE GROUP

Section 1: Executive Committee

- (a) The Executive Committee of the GROUP (hereinafter referred to as the “Executive Committee”) is hereby constituted as a permanent committee of the GROUP. It shall consist of the Chairperson of the GROUP and such other members of the GROUP as the Chairperson shall appoint; provide that the Executive Committee shall not exceed eight members in addition to the Chairperson and shall, as far as practicable, be representative of local and State public and private juvenile justice agencies, and members under 24 years of age.
- (b) The Executive Committee shall advise the GROUP on matters of policy and procedure and shall perform such other duties as the GROUP may, by resolution, assign to it.
- (c) The Executive Committee shall meet at such times and places as the Chairperson shall determine. When the Chairperson expects to be absent from a meeting of the Executive Committee, he/she may designate a member of the Committee to act as Chairperson for that meeting. If the Chairperson is absent from a meeting and has not designated an Acting Chairperson, the members present at such meeting may choose one of their number to preside at that meeting.

Section 2: Other Committees

- (a) There shall be as many committees other than the Executive Committee as the GROUP shall, by resolution, establish. Such committees shall be constituted of GROUP members and shall perform such functions as the resolutions establishing them shall prescribe.
- (b) Unless otherwise specified by the enacting resolution, the members of such committee shall be appointed by the Chairperson, who may designate one of their number as Chairperson.
- (c) Unless otherwise specified by the enacting resolution, such committees shall meet at such times and places as it shall determine.

Section 3: Service Required on GROUP Committees

Each GROUP member shall serve on at least one GROUP committee.

ARTICLE IV – REGULAR MEETINGS OF THE GROUP

Section 1: Time, Place and Notice

- (a) The GROUP shall meet at least four times in each calendar year.
- (b) Regular meetings shall be held alternately in Albany and New York City unless the Chairperson shall otherwise designate with respect to a particular meeting.
- (c) The Chairperson shall cause written notice of a regular meeting to be sent to each member of the GROUP at least ten days prior to the date thereof. Such notice shall contain the date, time, and place of the meeting and the tentative agenda.

Section 2: Conduct of Business

The order in which the GROUP shall conduct its business at a regular meeting shall be within the discretion of the Chairperson, except that the first order of business shall be the adoption by the GROUP of the agenda for such meetings.

Section 3: Quorum Requirements

- (a) For the purpose of transacting business at a meeting of the GROUP, a quorum shall consist of a majority of the current voting members then serving on the GROUP.
- (b) No business shall be transacted at a meeting of the GROUP unless a quorum is present, except that discussions of pending matters may take place provided that no action is taken thereon.
- (c) A member may be represented at a meeting by a personal representative. Such personal representative may speak on behalf of the member, but may not vote on behalf of the member and shall not be counted in the determination of a quorum.

Section 4: Voting

- (a) Except as otherwise provided by these by-laws, all questions shall be determined by a majority of the current voting members then serving on the GROUP.
- (b) A vote may be cast only by a member physically present or by a member participating by videoconferencing at the time the vote is taken. Voting by proxy by personal representative, by mail, telephone, or any other manner is prohibited.
- (c) The Chairperson may cast a vote on all matters voted upon.
- (d) No attendee may cast a vote where there is a conflict of interest as specified in Article X.

Section 5: Public Meetings

- (a) Regular meetings of the GROUP shall be open to the general public except for such executive sessions as may be authorized by law.
- (b) Meetings which are required to be open to the general public shall be preceded by publicized notice specifying the time and place of the meeting in accordance with the Open Meetings Law (Public Officers Law §104).
- (c) Any member of the public shall be permitted to be present at a meeting and may address the GROUP or any member thereof, upon request to and with the permission of the Chairperson or by one-third of the GROUP members present.

ARTICLE V – SPECIAL MEETINGS OF THE GROUP

Section 1: Manner of Calling Special Meeting

Special meetings of the GROUP may be held as often as necessary and may be called either by the Chairperson or by such members of the GROUP as would constitute a quorum for the transaction of business. A request for a special meeting shall contain a statement of the specific purpose or purposes of the meeting.

Section 2: Time, Place and Notice

- (a) The time and place and notice of special meetings shall be determined in accordance with the provisions of Article IV, Section 1.
- (b) The Chairperson shall cause notice of a special meeting to be given to each member at least ten days prior to the date thereof. The notice shall be in such form as the Chairperson may prescribe. Such notice shall contain a statement of the specific purpose or purposes of such meeting. A special meeting shall be held as scheduled notwithstanding the fact that notice thereof was not timely sent to members, unless the issue of untimeliness is affirmatively raised and a motion to adjourn such special meeting on account thereof is adopted.

Section 3: Conduct of Special Meetings

- (a) The only matters that may be acted upon at a special meeting are those specified in the notice of special meeting; provided, however, that matters other than those specified may be discussed but not acted upon.
- (b) The provisions of Article IV, Sections 2 through 5, governing the conduct of regular meetings of the GROUP, shall also apply to the conduct of special meetings thereof.

ARTICLE VI – STAFF FUNCTIONS TO THE GROUP

Section 1: Staff Assistance to the GROUP

The staff of DCJS shall render such professional, administrative and clerical assistance to the GROUP, as shall, from time to time, be agreed upon between the Chairperson and the Commissioner of DCJS. The GROUP may not engage professional, administrative or clerical consultant services, except upon the consent of the Commissioner of DCJS.

Section 2: Minutes of the Meeting

- (a) Minutes of regular and special meetings of the GROUP shall be prepared by such members of the staff of DCJS as the commissioner thereof shall assign to do so.
- (b) A full set of minutes shall be sent to each member of the GROUP prior to the next regular meeting.
- (c) Minutes of all meetings of the GROUP shall be made available for public inspection and copying as required by Public Officers Law §87. Such minutes shall include inter alia, (i) a listing of those GROUP members present and representatives present, (ii) a record of the votes on final action.

ARTICLE VII – AMENDMENT OR REPEAL OF BY-LAWS

Section 1: Required Vote

These by-laws or any provision thereof may be added to, amended or repealed by resolution adopted by a majority of the current voting members then serving on the GROUP.

Section 2: Manner of Amendment or Repeal

A resolution to add to, amend or repeal the by-laws may be introduced at any regular or special meeting of the GROUP.

ARTICLE VIII – RATIFICATION OF PRIOR ACTIONS

No action taken by the GROUP from the date of its inception to the date of the adoption of these by-laws, shall be affected by these by-laws, notwithstanding that such action may be have been taken in a manner inconsistent with the provisions of these by-laws.

ARTICLE IX – MATTERS NOT COVERED IN BY-LAWS

Except as otherwise required or permitted by these by-laws, the conduct of the proceedings of the GROUP shall accord with Roberts Rules of Order.

ARTICLE X – CONFLICT OF INTEREST

Section 1: Personal Benefit Precluded

- (a) A member of the GROUP shall reveal his/her interest in and shall abstain from participating in the discussion of or voting upon any proposal or project where, to his/her knowledge, he/she or a related person, directly or indirectly may derive a monetary benefit from such proposal or project. A “related person” for purposes of this section includes a spouse or domestic partner of the member, or any person who is a direct descendant of the member’s grandparents or the spouse of such descendant.
- (b) Where a proposal is on the agenda that would grant money or confer benefits upon an organization or department, public or voluntary, that employs a member of the GROUP, that member shall reveal his/her interest and abstain from participating in any discussion thereon, or voting on the resolution to recommend approval or disapproval.
- (c) Where a proposal is on the agenda that would grant money or confer benefits upon an organization or department, public or voluntary, that has as an officer or a director of its governing board, a member of the GROUP, that member shall reveal his/her interest and abstain from participating in any discussion thereon, or voting on the resolution to recommend approval or disapproval.