

**BY-LAWS**

FOR THE OPERATION OF THE

New Mexico

**JUVENILE JUSTICE ADVISORY COMMITTEE**

10/26/94

Revised 4/07/99

Revised 12/03/13

Revised 6/16/2022

Revised 1/18/2024

**Article I - Name**

The name of this organization shall be the New Mexico Juvenile Justice Advisory Committee (JJAC).

**Article II - General Purpose and Function**

The JJAC is established as an advisory body to provide assistance, counsel and suggested activities to the Governor, the Legislature, and the Children, Youth & Families Department (CYFD) in all Juvenile Justice related matters.

The JJAC shall also perform any other function or activity requested of it under the federal Juvenile Justice and Delinquency Prevention (JJDP) Act, 34 U.S.C. section 1113 (section 223), the state Juvenile Continuum Act, Section 9-2A-14.1 NMSA 1978, the Functions of the Juvenile Justice Advisory Committee as prescribed in Section 9-2A-16 NMSA 1978, and by various governmental bodies.

Duties include, but are not limited to the following:

- A. Submit to the Governor and the Legislature at least annually recommendations for improving the juvenile justice system, reducing juvenile delinquency and providing alternatives to institutionalization and generally improving the quality of services provided to juveniles in New Mexico.
- B. Participate in the development and review and approve or modify the State juvenile justice plan submitted under Section 223 of the JJDP Act and such other juvenile justice plans as designated by the Governor, and receive, review and recommend applications for JJDP funds and such other funds as designated by the Governor. The Secretary of CYFD decisions on such applications shall be final subject to any appeal process established by the Committee. A final decision of the Committee may be appealed to the Governor or the Governor's designee.
- C. Inform the Secretary of CYFD, units of local government, and others regarding matters concerning juvenile justice, including but not limited to:
  - 1. The JJDP Act and the State plan submitted under the Act;
  - 2. Juvenile Justice standards and goals;
  - 3. Overall community needs in New Mexico in the area of Juvenile Justice;
  - 4. Prevention needs to divert high-risk youth from coming into the system;
  - 5. The CYFD budget related to juvenile services, and overall juvenile priorities and plans;
  - 6. The impact of CYFD policies on communities in New Mexico and;
  - 7. The relationship of CYFD juvenile programs and practices to other state agencies and

departments.

- D. Review the progress and accomplishments of juvenile justice and delinquency prevention projects funded under the comprehensive state plan and establish accountability standards for all grant awards made by the Committee; and
- E. Contact and seek regular input from juveniles currently under the jurisdiction of the juvenile justice system.

### **Article III – Membership and Structure**

The Committee shall consist of not fewer than fifteen (15) nor more than thirty-three (33) members. Membership on the Advisory Committee shall be in compliance with the federal Juvenile Justice and Delinquency Prevention (JJDP) Act, 34 U.S.C. section 1113 (section 223), and as designated by the Governor. The membership shall be representative of public and private agencies with a direct interest in juvenile justice, delinquency prevention and/or youth programs and shall be those persons named and commissioned by the Governor of the State of New Mexico to so serve.

Members may designate to the Chair in writing a Proxy to provide the vote at a meeting they are not able to attend. A Proxy shall be another governor-appointed member of JJAC.

All members serve at the pleasure of the Governor and are subject to removal from the committee by the Governor. Any member who is absent from two consecutive regularly scheduled business meetings of the Committee and who is not represented at said meetings by his or her designated alternate may be removed from the Committee if recommended by the Chair and approved by the Governor.

The Chair is empowered to designate persons with specific expertise or experience in a certain area of juvenile justice and delinquency prevention to work with the Committee and/or any of the Subcommittees, including but not limited to representatives of local juvenile justice Continuum Boards.

### **Article IV - Term of Membership**

Members shall be appointed by the Governor and shall serve at the Governor's pleasure. Members who serve because of their position in State or local government shall serve until the expiration of their appointment or election to their position, except as otherwise determined by the Governor.

### **Article V - Mileage and Per Diem**

Members may receive mileage and per diem as provided by law for attendance at official Committee meetings or meeting of Committee subcommittees. Any such mileage and per diem will be paid from federal Juvenile Justice Delinquency Prevention Act funds allocated for operating expenses of the Committee.

### **Article VI - Officers**

The Governor shall designate which member shall serve as Chair who will preside at all official meetings of the Committee. The Chair shall not be a full-time employee of the Federal, State, or local government. The Committee may designate a member to serve as Vice-Chair. The member selected as Vice-Chair shall not be a full-time employee of the Federal, State, or local government. School employees are considered an employee of the local government. In the absence of the Chair and Vice-Chair at a meeting, the Committee members present may designate a presiding officer by a majority vote. There shall also be an Executive Subcommittee comprised of the Chair, Vice-Chair and chair of each subcommittee to conduct business and make decisions for the Committee between scheduled meetings, subject to final approval by a vote of the full Committee at the next scheduled meeting.

**Article VII - Subcommittees**

Sub-Committees may be appointed by the Chair or the full Committee to perform specific duties as deemed necessary. The JJAC Chair will appoint Subcommittee Chairs and members. In the absence of the Subcommittee Chair, Governor-appointed Subcommittee members or the Subcommittee Chair will identify a Governor-appointed member of the Subcommittee to run meeting(s) and represent the Subcommittee as needed.

A quorum of the subcommittee shall consist of a simple majority of its membership.

**Article VIII - Meetings**

Meetings of the Committee shall be held as needed, but not less than quarterly, at a time and place designated by the Chair, or by the vice-chair in the absence of the Chair. Additional meetings may also be called by the Chair or a majority vote of the Committee. The Chair is encouraged to hold the meetings in various parts of the state.

A quorum shall consist of a majority of the Committee. Proxy votes shall count toward the meeting quorum.

The order of business at any meeting of the Committee shall follow the agenda prepared in advance of the meeting.

The Chair may invite or allow non-members to address the Committee unless there is an objection by a Committee member in which event there shall be a vote of the members on the matter.

Roberts Rules of Order, revised, shall govern all meetings of this Committee. The Chair may designate a member to serve as parliamentarian. The Committee shall comply with the State of New Mexico Open Meetings Act, Section 10-15-1 et. seq. NMSA 1978.

**Article IX – Voting and Retention of Records**

At all meetings of the committee, each member attending shall be entitled to cast one vote. All votes shall be recorded and made available for public inspection. All recording of votes shall be made by staff.

A vote of the majority of the members present at a meeting will decide in the affirmative or negative any issue or question presented to the Committee. The official minutes of each meeting shall comply with the requirements of the Open Meetings Act, Section 10-15-1 G, NMSA 1978. The Committee shall also comply with the New Mexico Inspection of Public Records Act, Section 14-2-1 et. seq. NMSA 1978.

**Article X - Staff**

The staff of the Children, Youth and Families Department shall assist the Committee in the performance of its functions and responsibilities. The Committee may recommend to the Secretary of CYFD additional professional services as necessary and as determined by the Committee.

**Article XI - Conflict of Interest**

- A. All Committee members shall make a declaration in writing and deposit same with the Chair or make a declaration orally during a regular or special meeting to be included in the minutes, of any real or potential interest of any kind that they might have with any agency, organization or person which may be seeking action by the Committee. The declaration shall state the specific nature of the interest. No committee member shall receive any salary, stipend, fee or other financial consideration under a grant or award by the Committee. Committee members shall also avoid any action which might result in, or create the appearance of, using the member's official position for private gain, giving preferential treatment to any person or organization, or otherwise affecting adversely the confidence of the public in the integrity of the Committee.
- B. No Committee member shall make any motion or second any motion or vote on any application or proposal for either a planning grant or action grant by a unit, agency or organization of which the member has any interest as described in paragraph A and which would be a primary recipient of funds from said grant. The member shall not speak on any such application to the Committee at any regular or special meeting of the Committee, and shall take no action at any time to influence the decision of any Committee member or staff member of any such application. This does not apply to requests for information by the Committee. Individual Committee members who make proposals to the Committee should be available to respond to questions from the Committee, but must excuse themselves and not be present at the meeting during the discussion and vote by the Committee on the proposal.
- C. No Committee member shall request, accept or receive any stipend, fee, gratuity, or other consideration of any kind or nature, or promise thereof, from any person, unit, agency or organization for the purpose of influencing a vote, decision or recommendation of a member or staff member on a matter before the Committee, or that is conditioned upon or given in exchange for promised performance of an official act by the member.
- D. Any member may raise the question of a conflict of any member. The ultimate decision as to whether a conflict of interest exists shall be made by a majority vote of those present.
- E. If the CYFD has a concern with the Committee action in a conflict of interest situation, the Department shall state in writing to the Committee these concerns, and a representative of the Department staff should meet with the Committee to discuss and resolve the concerns. If not resolved, a review panel appointed jointly by the Secretary of the CYFD and the Chair of the Committee shall review the matter and make a final decision. The decision of this review panel shall be considered final, except that it may be appealed to the Governor for final decision.
- F. The Committee and Committee members shall comply with the State of New Mexico Governmental Conduct Act, Sections 10-16-1 et. seq. NMSA 1978, and the 2013 or more current U.S. Department of Justice, Office of Justice Programs Financial Guide regarding Conflicts of Interest.

**Article XII - Public Meetings**

All meetings of the Committee shall be public and shall comply with the requirements of Sections 10-15-1 et. seq., NMSA 1978, relating to public meetings.

**Notice of Meetings**

The following shall be the policy of the Committee regarding notice of meetings. If any part of the following is in conflict with Sections 10-15-1 through 10-15-4, NMSA (1978), the Statute will prevail and shall be adhered to by the Committee.

1. Quarterly business meetings of the Committee held for the purpose of formulating public policy, discussing public business or taking action within its authority shall be set and notice given annually.
2. Notice shall be given at least 72 hours in advance of any special meeting or a quorum of members of the Committee held for the purpose of formulating public policy, discussing public business or taking action within its authority. The Committee shall take action only on items appearing on the agenda.
3. Notice requirements as set out in Section 1 and 2 above are complied with if notice of the date, time place, and general subject matter to be discussed at the meeting is disseminated to the news media. A legal notice announcing regular meetings may be placed in a newspaper of general statewide circulation exceeding 50,000 and in the Santa Fe newspaper with the largest circulation, to run not less than three (3) days. If the meeting is to be held outside of Santa Fe or Albuquerque, a legal notice may be placed in a local newspaper in the locality where the meeting is to be held, to run not less than three (3) days. Such additional notices as are practical shall be given to the news media, the public and other interested parties.

### **Article XIII - Limitation of Funding**

It is the intent of the Committee that it not commit or approve federal funds received from the JJDP Act for purchase or lease of property, equipment or furniture, for construction of any buildings or facilities, or other items as determined by the Committee. However, this provision may be rescinded on a case by case discussion on a vote of two thirds of a quorum of the Committee.

### **Article XIV- Length of Funding**

It is the intent of the Committee that federal funds committed to programs be utilized to begin new or pilot initiatives, which if successful can become self-sustaining or funded by communities or other sources.

### **Article XV - Amendment**

Proposed amendments to these By-Laws must be submitted in writing to the Chairperson at least thirty (30) days in advance of any meeting in which they are to be considered. Members of the Committee shall receive copies of the proposed amendments at least seven (7) days prior to the meeting in which the proposals will be discussed. Any amendment must be approved by two thirds of the members present and voting.

### **Article XVI – Ratification and Annual Review**

These By-Laws shall become effective upon a majority vote of the Committee. The Committee shall review the By-Laws at least once per year at a meeting designated for such purpose to determine whether any amendments or additions are necessary.