



Fresno County Probation Department

Kirk Haynes, Chief Probation Officer



December 6, 2021

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Dear Counsel:

Please be advised the following notice is being provided pursuant to the provisions of California Gov.C. § 54960.2(c)(1)-(e):

The Fresno County Juvenile Justice Coordinating Council Realignment Subcommittee received your cease and desist letter dated July 26, 2021, alleging, that the following described past action(s) of this body violated the Ralph M. Brown Act:

- Failure to create the Realignment Subcommittee by action of a legislative body subject to the requirements of the Ralph M. Brown Act at a duly noticed public meeting;
- Failure to conduct meetings of the Realignment Subcommittee pursuant to the notice and open meeting requirements of the Ralph M. Brown Act.

To avoid inadvertent omission of another challenged action described in your letter, the letter containing all specific alleged violations, each of which this response is deemed to address, is incorporated herein and attached for your reference.

To avoid unnecessary litigation and without admitting any violation of the Ralph M. Brown Act, the Realignment Subcommittee did, during a noticed public meeting held pursuant to the requirements of the Ralph M. Brown Act, unconditionally commit to cease, desist from, and not repeat the challenged past actions, as alleged above and, approve and authorize the delivery of this letter.

We note that since the July 26, 2021 cease and desist letter, all subsequent meetings of the Fresno County Juvenile Justice Coordinating Council Realignment Subcommittee have been and

OFFICE OF THE CHIEF PROBATION OFFICER

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will continue to be conducted pursuant to Brown Act requirements. We further note that you have been informed by our counsel of that fact during discussions concerning possible resolution of the pending lawsuit you have filed on behalf of your client the Center for Leadership, Equity, and Research.

I can also confirm that, while the County does not concede that the formation of the Realignment Subcommittee was done in violation of the requirements of Welfare & Institutions Code §1995 or the Ralph M. Brown Act, the Fresno County Juvenile Justice Coordinating Council at its next noticed public meeting on December 15, 2021, will move to formally ratify the formation of the Subcommittee, including all prior actions of and by the Committee.

The Fresno County Juvenile Justice Coordinating Council Realignment Subcommittee may rescind this commitment only by a majority vote of its membership taken in open session at a regular meeting and noticed on its posted agenda as 'Rescission of Brown Act Commitment.' You will be provided with written notice, sent by any means or media you provide in response to this message, to whatever address or addresses you specify, of any intention to consider rescinding this commitment at least 30 days before any such regular meeting. In the event that this commitment is rescinded, you will have the right to commence legal action pursuant to subdivision (a) of Section 54960 of the Government Code. That notice will be delivered to you by the same means as this commitment, or may be mailed to an address that you have designated in writing.

Very truly yours,



Kirk Haynes

Chief Probation Officer [and chair of the Realignment Subcommittee?]
Fresno County, etc.

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**FRESNO COUNTY
JUVENILE JUSTICE COORDINATING COUNCIL
BYLAWS**

Article 1 – Authority, Purpose, and Oversight

Section A Authority:

The Fresno County Juvenile Justice Coordinating Council (Council) is a multi-agency council established pursuant to Welfare and Institutions Code section 749.22.

Section B Purpose:

To develop and implement a continuation of County-based responses to juvenile crime.

1. To develop a comprehensive, multiagency plan (the Plan) in accordance with Section 749.22 that identifies the resources and strategies for providing an effective continuum of responses for the prevention, intervention, supervision, treatment, and incarceration of male and female juvenile offenders, including strategies to develop and implement locally based or regionally based out-of-home placement options for youths who are persons described in Welfare and Institutions Code section 602. Pursuant to Government Code section 30061(b)(4) and Welfare and Institutions Code section 1961(b), the Plan shall be a consolidation of the annual comprehensive multiagency Juvenile Justice Plan and the annual Youthful Offender Block Grant (YOBG) Plan that is required to be developed and submitted pursuant to Welfare and Institutions Code section 1961.
2. To set priorities for the use of granted or allocated funding for activities related to juvenile justice.
3. To create a subcommittee within the Council (Realignment Subcommittee), as required by Welfare and Institutions Code section 1995.
 - i. Welfare and Institutions Code section 1990 establishes the Juvenile Justice Realignment Block Grant program for the purpose of providing county based custody, care, and supervision of youth who are realigned from the state Division of Juvenile Justice or who were otherwise eligible for commitment to the Division of Juvenile Justice prior to its closure.
 - ii. Welfare and Institutions Code section 1991 provides that there will be an allocation to the County to provide appropriate rehabilitative housing and supervision services for the youth described in Section 1990. In making allocations, the Board of Supervisors must consider the plan established by Section 1995 (the

Realignment Plan).

- iii. To be eligible for the funding allocated in Section 1991, the County must create a subcommittee of the Council, to develop the Realignment Plan, which will describe the facilities, programs, placements, services, supervision and reentry strategies that are needed to provide appropriate rehabilitation and supervision services for the youth described in Section 1990 (described further in Welfare and Institutions Code section 1995).

Section C Reporting requirements:

1. At least annually, review, and if necessary, modify the Plan.
2. The Realignment Subcommittee shall develop the Realignment Plan described in Section 1995, to be filed with the Office of Youth and Community Restoration (OYCR) by January 1, 2022. In order to continue receiving funding, the Realignment Subcommittee shall convene to consider the Realignment Plan every third year, but at a minimum, submit the most recent Realignment Plan regardless of changes. The Realignment Plan shall be submitted to the OYCR by May 1st of each year.

Section D Oversight:

1. Pursuant to Welfare and Institutions Code section 1995 (a), the Council provides oversight of Juvenile Justice Realignment Block Grant funds.
2. The Council does not provide oversight of YOBG funds.

Article 2 – Membership and Term of Office

Section A Pursuant to Welfare and Institutions Code section 749.22, in addition to the Chief Probation Officer serving as Chair, voting members shall include, but not be limited to, one representative from the following agencies:

- District Attorney's Office
- Public Defender's Office
- Sheriff's Office
- Board of Supervisors
- Department of Social services
- Behavioral Health
- Community-based drug and alcohol program
- County Administrative Office
- City Police
- County Office of Education or a school district
- Non-profit community-based organization providing services to minors, and
- At-large community representative
- Youth representative
- Housing Authority representative

- Section B Nominations will be brought to the Council through the Chair. The Council will then, by majority vote, approve final appointments.
- Section C The Chair may recommend to the Council termination of a member upon a motion by any member of the Council, and a majority vote of the Council present. When this occurs, upon approval by the Council, the Chair must fill the vacated position as soon as possible, following the process described in Section B of this Article 2.
- Section D If a Council member fails to attend three consecutive Council meetings without the absence being authorized by the Chair, or if the Council member has not arranged for an alternate member to represent him or her, it will result in termination of the Council member. A member may resign at any time by giving written notice to the Chair. The resignation shall become effective the date the notice is received in writing, or at a later time specified in the notice. The resignation need not be accepted to be effective.
- Section E Members shall serve at the discretion of the Chair, and a member may have his/her membership terminated by a majority vote of the Council present. A vacancy thereby created shall be filled in the same manner as the original appointment with respect to qualifications, with the appointee completing the remainder of the term of the vacated position.
- Section F Upon the resignation or termination of an appointed Council member, the Chair shall follow the process outlined in Section B of this Article 2 for replacement of the Council member.
- Section G Alternate Members
 1. Each Council member shall designate an alternate member to represent the member at a Council meeting if the Council member is unable to attend a Council meeting.
 2. When representing a Council member at a Council meeting, the alternate member shall have the same voting power as the permanent member.

Article 3 – Officers

Officers of the Council shall be a Chair, a Vice-Chair, an Acting-Chair, and such other officers as the Council may choose to elect.

Responsibilities of Officers:

- Section A Chair - In accordance with Welfare and Institutions Code section 749.22, the Chief Probation Officer shall serve as the Council Chair. The Chair shall supervise and direct the Council's activities, affairs and officers, and preside at all Council meetings. The Chair shall have such other powers and duties as the Council or bylaws may prescribe.
- Section B Vice-Chair - In the absence or disability of the Chair, the Vice-Chair shall perform all duties of the Chair. When so acting, the Vice-Chair shall have all the powers of, and be subject to the restrictions of, the Chair. The Vice-Chair shall have such other powers and perform other duties as the Council or the bylaws prescribe. The

Vice-Chair may be nominated by the Chair or a member(s) of the Council, and shall be selected by a majority vote, 51% of the Council, and serve a one-year term.

Section C Acting Chair – In the event of the temporary absence of the Chair and the Vice-Chair, the Chair shall appoint an Acting-Chair from the membership of the Council. In the event the Chair is not available, a quorum of the Council present shall appoint an Acting-Chair.

Section D Term of Office - the term of office for the Council Chair shall be concurrent with his or her term as Chief Probation Officer. Each Council member shall serve an indefinite term, concurrent with their service to the organization they represent, until membership is terminated in accordance with Article 3, or the Council member resigns. However, the term length for the at-large community representative shall be subject to the discretion of the Chair or a quorum of the Council.

Article 4 – Organization Procedures and Meetings

Section A Robert's Rules of Order shall govern the operation of the Council in all situations not covered by these Bylaws. The Council may formulate specific procedural rules of order to govern the conduct of its meetings.

Section B The Ralph M. Brown Act (Government Code section 54950 et seq.) shall govern meetings of the Council. Meetings shall be held in accessible, public places. Notice of all Council meetings shall be posted in a publicly accessible place for a period of 72 hours prior to the meeting. Special meetings require 24-hour notice, pursuant to the requirements of Government Code section 54956. Agendas shall be posted at the meeting location, in accordance with the practice of the County of Fresno. In addition, an agenda shall be sent to anyone requesting them, in accordance with Government Code section 54954.1.

Section C This Council shall have up to 23 members, and 51% of the members must be present to constitute a quorum. In the case of a tie, the Chair shall not vote. No vote of the Council shall be considered as reflecting an official position of the Council unless passed by a majority of its quorum present at the specific meeting where the vote was taken.

Section D Regular Meetings shall be set at the discretion of the Chair, but must be held at least once annually. The Council shall set its meeting schedule as far in advance as possible.

Section E Special Meetings may be called at any time by the Chair, upon 24 hours' notice, and upon written request specifying the general nature of the business proposed. An agenda specifying the business to be transacted or discussed must be provided to the public.

Section F Setting the Agenda – The Chair shall designate items on the agenda. Anyone wishing to provide input shall request inclusion on

the agenda by contacting the Executive Secretary of the Chief Probation Officer no later than one week prior to the scheduled meeting.

Section G Public Comments – Public comments at meetings are limited to three minutes for each agenda item. The Chair has the discretion to extend the time based on the complexity of the issue.

Section H Amendments – An amendment to these Bylaws may be proposed at any time. The proposed amendment shall be presented to the Council, and a majority of the quorum of the Council present must vote in favor of the amendment in order for it to be approved. Corrections of typographical or clerical errors are not alterations within the meaning of this section.

Attachment C:

Amendments to the JJCC Bylaws

Article 1

Section B:

3. To create a subcommittee within the Council (Realignment Subcommittee), as required by Welfare and Institutions Code section 1995.

i. Welfare and Institutions Code section 1990 establishes the Juvenile Justice Realignment Block Grant program for the purpose of providing county-based custody, care, and supervision of youth who are realigned from the state Division of Juvenile Justice or who were otherwise eligible for commitment to the Division of Juvenile Justice prior to its closure.

ii. Welfare and Institutions Code section 1991 provides that there will be an allocation to the County to provide appropriate rehabilitative housing and supervision services for the youth described in Section 1990. In making allocations, the Board of Supervisors must consider the plan established by Section 1995 (the Realignment Plan).

iii. To be eligible for the funding allocated in Section 1991, the County must create a subcommittee of the Council, to develop the Realignment Plan, which will describe the facilities, programs, placements, services, supervision and reentry strategies that are needed to provide appropriate rehabilitation and supervision services for the youth described in Section 1990 (described further in Welfare and Institutions Code section 1995).

iv. The Realignment Subcommittee shall consist of no fewer than nine community member seats, as defined under Welfare and Institutions Code section 1995(b). The number of community member seats in the Realignment Subcommittee may increase but not decrease. If government or agency representative seats are added to the Realignment Subcommittee, an equal number of community member seats must be added as well.

v. Any decision with respect to Realignment Subcommittee membership shall be made by the Council, following the membership selection and removal process described in Article 2.

Section C Reporting requirements:

1. On an annual basis, the Realignment Subcommittee will review and determine at a publicly noticed meeting whether all or any part the Realignment Plan requires modification, supplementation, or further review. If the Subcommittee determines that the Plan requires modification, supplementation, or further review, it shall conduct further proceedings and vote on whether to approve the revised plan. If the Realignment

Subcommittee approves modifications to the Plan, the Council shall take action at a publicly noticed meeting to either approve, disapprove or modify the suggested changes to the Plan and submit any changed or modified Plan to the Office of Youth and Community Restoration.

2. The Realignment Subcommittee shall develop the Realignment Plan described in Section 1995, to be filed with the Office of Youth and Community Restoration (OYCR) by January 1, 2022. In order to continue receiving funding, the Realignment Subcommittee shall convene to consider the Realignment Plan every third year, but at a minimum, submit the most recent Realignment Plan regardless of changes. The Realignment Plan shall be submitted to the OYCR by May 1st of each year.

Article 4 – Organization Procedures and Meetings

Section B

The Ralph M. Brown Act (Government Code section 54950 et seq.) shall govern meetings of the Council and the Realignment Subcommittee. Meetings shall be held in accessible, public places. Notice of all Council meetings shall be posted in a publicly accessible place for a period of 72 hours prior to the meeting. Special meetings require 24-hour notice, pursuant to the requirements of Government Code section 54956. Agendas shall be posted at the meeting location, in accordance with the practice of the County of Fresno. In addition, an agenda shall be sent to anyone requesting them, in accordance with Government Code section 54954.1.