

IDAHO JUVENILE JUSTICE COMMISSION

IDAHO TRIBAL JUVENILE JUSTICE COUNCIL BYLAWS (Revised December 2019)

ARTICLE I – NAME

The name of the Council is the Idaho Tribal Juvenile Justice Council. This Council includes membership from any Federally Recognized Native American Tribes in Idaho.

ARTICLE II – AUTHORITY

The Council is established by the Idaho Juvenile Justice Commission as directed by the Governor of the State of Idaho. The Commission was originally established by Governor's Executive Order 81-4 dated March 5, 1981, and continues to date by virtue of subsequent executive orders.

ARTICLE III – PURPOSE

The Council is formed to carry out the following functions:

- A. Promote the mission of the Idaho Juvenile Justice Commission.
- B. Be informed about Tribal juvenile justice programs throughout the state and advise the Commission regarding their operation.
- C. Advise the Commission on problems, policies, and programs relating to Native American juveniles who are now or may in the future come into conflict with the law.
- D. Make recommendations to the Commission and provide an advocacy function in matters pertaining to services and laws affecting juvenile justice for Native American youth.
- E. Act as a resource for prevention and intervention efforts for Native American youth.
- F. Encourage inter-agency and intergovernmental cooperation and coordination to help build relationships, maximize resources, and eliminate duplication of services where appropriate.
- G. Provide guidance in the development and implementation of improved policies for juvenile justice in Native American Tribes, e.g., judicial, health, education, rehabilitation, recreation, and social services.
- H. Be familiar with the philosophy of the Balanced Approach to Restorative Justice and assist in implementation of that philosophy when appropriate.
- I. Educate the Idaho Juvenile Justice Commission on the treatment of juvenile offenders in Tribal court
- J. Oversee and evaluate training proposals and other such activities and events as may be deemed necessary and appropriate by the Commission.
- K. Present to the Commission every three (3) years an Action Plan and any other reports requested by the Commission as needed.

ARTICLE IV – MEMBERSHIP

- A. **Terms of Membership:** All Federally Recognized Native American Tribes in the state of Idaho are eligible for membership. To become a member, each Tribal government must authorize participation and identify two delegates and one alternate to serve on the Council through a means consistent with the Tribe's business practices (i.e., Resolution).
- B. **Appointing Authority:** Each Tribe shall submit a list of delegates/alternates to the Council and the Commission for approval and appointment.
- C. **Composition:** The composition of the Council shall consist of two (2) voting delegates from each member Tribe.
1. Delegates should be drawn from, but are not limited to:
 - a. Tribal elected officials (Tribal Council, Business Council);
 - b. Tribal social service organizations and agencies such as those concerned with the quality of treatment for juveniles, juvenile justice, early childhood issues, neglected or dependent children, and learning disabilities Tribal law enforcement and juvenile justice agencies (police, juvenile probation officers, judges, trial court administrators, prosecutors, public defenders);
 - c. Tribal education sector (administrators, elementary or secondary teachers, school nurses, school counselors) Representatives of public agencies concerned with delinquency prevention or treatment, such as welfare, social services, child and adolescent mental health, education, child and adolescent substance abuse, special education, services for youth with disabilities, recreation, and youth services;
 - d. Representatives of private nonprofit organizations, including persons with a special focus on preserving and strengthening families, parent groups and parent self-help groups, youth development, delinquency prevention and treatment, neglected or dependent children, the quality of juvenile justice, education, and social services for children;
 - e. Volunteers who work with delinquent youth or youth at risk of delinquency;
 - f. Representatives of programs that are alternatives to incarceration, including programs providing organized recreation activities;
 - g. Persons with special experience and competence in addressing problems related to school violence and vandalism and alternatives to suspension and expulsion;
 - h. Persons licensed or certified by the state of Idaho, with expertise and competence in preventing and addressing mental health and substance abuse needs in delinquent youth and youth at risk of delinquency;
 - i. Representatives of victim or witness advocacy groups, including an individual with expertise in addressing the challenges of sexual abuse and exploitation and trauma, particularly the needs of youth who experience disproportionate levels of sexual abuse, exploitation, and trauma before entering the juvenile justice system;
 - j. Native American youth under the age of 28 at the time of initial appointment; and
 - k. Parents/guardians of someone who has been or is currently under the jurisdiction of

the juvenile justice system, or any Tribal Elders.

2. The Commission Chair, or their designee, shall be an Ex Officio member of the Council.
- D. **Vacancies:** Vacancies shall be filled by the respective Tribal government that lost a member.
- E. **Compensation:** Two delegates from each Tribe may be reimbursed at the rate established by the state of Idaho for travel expense incurred by them in carrying out their duties. Additional representatives from Tribes may attend Council activities at their own expense. Additionally, youth members may receive honorariums pursuant to Idaho Code §59-509 and subject to the limitations of Idaho Code §67-2008, in an amount not to exceed fifteen dollars (\$15) per day, for being present during 100% of a Council meeting.

ARTICLE V – ORGANIZATION

- A. **Officers:** The Council officers shall consist of a Chair and Vice Chair. The Chair shall be appointed by the Governor to serve for a term of three (3) years. The Council will provide a name which shall then be forwarded to the Commission for recommendation to the Governor. The Vice Chair will be elected by the council to serve for a term of three (3) years. Officers will rotate among participating Tribes to the greatest extent possible.
- B. **Duties of Officers:**
1. **Council Chair:** The Chair shall convene all meetings of the Council and preside over such meetings. The Chair is prohibited from making or seconding any motion before the Council. The Chair shall coordinate the activities and affairs of the Council and its committees, may serve as Ex-Officio member of each committee, and shall appoint all committee members. The Chair shall report to the Commission as requested.
 2. **Vice Chair:** In the absence of the Council Chair, the Vice Chair shall perform all the duties of the Chair, except hold a seat on the Commission, unless otherwise appointed by the Governor.
- C. **Ad Hoc Committees:** The Council and/or Chair may establish ad hoc committees to serve a particular function for a particular time period. Such committees shall be chaired by a Council member but may include non-members. Members and the Chair of any Ad Hoc Committee shall be appointed by the Council Chair.

ARTICLE VI – MEETINGS

- A. Council meetings shall be called by the Chair and shall be open to the public. All meetings shall be conducted pursuant to the Idaho Open Meeting Law, Idaho Code §§74-201 through 74-208.
- B. Minutes of meetings shall be kept by the Council secretary (see **ARTICLE VII – STAFF**) and distributed to Council members in advance of the following meeting.
- C. At least four (4) meetings shall be held annually. Special meetings may be called by the Chair if there is determined a need by the Chair or at the request of a Council member, the Commission, or the Idaho Department of Juvenile Corrections.
- D. **Attendance:** Any member of the Council who misses three (3) consecutive meetings or who attends less than 50% of the regular Council meetings in any calendar year shall have their name submitted to their Tribal government for recommended replacement, unless excused by the Chair for good cause.

- E. **Quorum:** For the purpose of conducting official Council business, a necessary quorum shall be defined as a simple majority of the Council membership, less any youth members (defined as 28 years of age or less at the time of appointment).
- .F. **Voting:** The privilege of introducing motions, debate, and voting shall be limited to appointed members. **Proxy voting and absentee voting by mail or electronic mail will not be allowed.** Consensus may be used as a means of reaching decisions, as stated in Robert's Rules of Order, Newly Revised.
- G. In emergencies, as determined by the Chair, conference calls will be allowed to transact necessary business, however open meeting laws must still be followed.

ARTICLE VII – STAFF

The Council secretary shall be hired by the Idaho Department of Juvenile Corrections.

ARTICLE VIII – CONFLICT OF INTEREST/ETHICS

All members shall adhere to Title 74 of the Idaho Code, “TRANSPARENT AND ETHICAL GOVERNMENT”, including all amendments and revisions; the Commission Code of Ethical Conduct; and all other applicable laws. Any violations of applicable ethical rules shall be a basis for recommendation by the Tribal Council to the Executive Council of the applicable tribe for removal. Council members are also subject to §18-1301 et seq., Bribery and Corruption, Idaho Code.

ARTICLE IX – AMENDMENTS

Amendments to Tribal Juvenile Justice Council Bylaws may be initiated by the Council or the Commission. Proposed amendments originating with the Council shall first be referred to the Commission Bylaws Committee for review. Thereafter, the Commission Bylaws Committee will make its recommendations to the Commission for vote at the next scheduled meeting. All proposed amendments must be submitted in writing to the Commission at least fifteen (15) days prior to the meeting at which they are considered.

The Idaho Juvenile Justice Commission considers and votes on recommended amendments. Commission approval is necessary before amendments take effect.