

**KERN COUNTY
ADMINISTRATIVE AND
PROCEDURAL RULES FOR THE
PROCEEDINGS OF THE
COMMUNITY CORRECTIONS
PARTNERSHIP
AND
EXECUTIVE COMMITTEE
OF THE COMMUNITY CORRECTIONS
PARTNERSHIP (CCP)**

"CCP POLICIES & PROCEDURES"

(Approved by CCP/Executive Committee on 2/20/13)
[Amended 5/7/14]

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SECTION 1: DEFINITIONS

For the purposes of these procedural rules, the following definitions apply:

- A. *Shall, must, and will* mean that the procedure is mandatory.
- B. *Should* means that the procedure is recommended.
- C. *May* means that the procedure is optional.
- D. *Referral* is direction given to a department/entity that requires a report back to the Community Corrections Partnership or the Executive Committee at a future meeting.

SECTION 2: PURPOSE

The purpose of the Community Corrections Partnership and the Executive Committee is set forth in California Penal Code sections 1230 and 1230.1.

SECTION 3: RULES

RULE 1: MEMBERSHIP

- A. The members of the Community Corrections Partnership (CCP) and the Executive Committee (EC) are defined in Penal Code Section 1230(b)(2) and 1230.1(b), respectively.
- B. For those positions which are not ex officio (i.e. PC 1230(b)(2)(F), (L) and (M)) the chairperson shall appoint persons who fulfill the requirements.
- C. Should a non-ex officio member no longer desire to be a member of the CCP they shall inform the chairman, who will appoint a new member.

RULE 2: APPOINTMENT AND DUTIES OF CHAIRMAN

- A. The chairman of the CCP and the EC shall be the Chief Probation Officer as directed by Penal Code Sections 1230(b)(2) and PC 1230.1(b), respectively.
- B. The chairman shall preside over, preserve order and decorum at, and announce each agenda item, or each agenda item number if on the consent agenda, before the CCP and the EC at all meetings.
- C. Unless otherwise provided by these rules, the chairman shall decide all questions of order and procedure, subject to appeal by any member of the CCP or the EC as a whole.
- D. When the chairman is absent from a CCP or EC meeting, the EC member designated in the following order shall assume the office of chairman: 1) Chief of Police; 2) Sheriff; 3) District Attorney; 4) Public Defender; 5) Presiding Judge (or designee); 6) Director Mental Health. No proxies shall serve as chairman.

- E. The chairman may discuss and vote upon any matter as a member of the CCP or the EC without relinquishing the chair.
- F. The chairman shall be responsible for signing all documents as authorized by the CCP or the EC.

RULE 3: MEETINGS

- A. Meetings for the CCP and EC will be held on at least a quarterly basis. Additional meetings will be scheduled as needed to conduct business.
- B. Notice of meetings will be posted on the CCP website located at www.kernprobation.com and as required by the Brown Act.
- C. The rules contained in the current edition of *Robert's Rules of Order Newly Revised* shall govern the meetings of the CCP and the EC in all cases to which they are applicable and in which they are not inconsistent with the Brown Act, these procedural rules, and any special rules of order the CCP or EC may adopt.

RULE 4: ORDER OF BUSINESS

- A. The CCP or the EC shall conduct its meetings in the following order:
 - 1. Roll Call
 - 2. Approval of Previous Meetings Minutes
 - 3. Consent Agenda
 - 4. Regular Agenda
 - 5. Closed Session (if needed)
 - 6. Adjournment
- B. The CCP or the EC may consider matters not on the agenda under the public presentation and member comment section to the extent permitted by the Brown Act. The only action that may be taken on these items is to receive and file documents related to the matter, ask questions of staff or the public, make a brief announcement or report on the activities of a member, refer a matter to staff, or place a matter of business on a future agenda. The CCP or the EC may also consider action on items not appearing on the agenda pursuant to the provisions of Government Code section 54954.2.

RULE 5: MEETING DECORUM

A. Limitations on Time

In the interests of facilitating the business of the CCP and the EC, the chairman, in the exercise of reasonable discretion, may:

1. Limit the time that each person may use in addressing the CCP or the EC.
2. Limit the total time in which to receive testimony from members of the public on an individual matter, item or subject before the CCP or the EC. Any limitation on the time that a person may be provided to address the CCP or the EC will be consistent with any due process requirements and/or other legal requirements related to the matter or item.

B. Determination of Disorderly Conduct

1. Demonstrations, including signage and applause, that are disruptive are prohibited during meetings.
2. In the event of obscene, indecent or profane language, remarks, or actions, the chairman shall immediately warn the presenter that continued use of such language or actions will cause the chairman to deny further presentation of information or material by the offending person. Obscenity, indecency, and profanity shall have the meanings determined by the Federal Communications Commission.
3. In the event any meeting is willfully interrupted by a group or groups of persons so as to render the orderly conduct of such meeting unfeasible and order cannot be restored by the removal of individuals who are willfully interrupting the meeting, the chairman may order the meeting room cleared and continue in session. Only matters appearing on the agenda may be considered. Representatives of the news media, except those participating in the disturbance, shall be allowed to continue to attend such meeting.

C. Addressing and Recognizing Members and Staff

1. When Members of the CCP or the EC are addressed, the member's last name shall be preceded by their professional title or by Mr., Mrs., Miss, or Ms., as appropriate.
2. Staff members recognized by the chairman or members shall be addressed in the formal form with Mr., Mrs., Miss, or Ms., as appropriate, preceding the staff person's last name.
3. In all instances, the decorum of a public meeting shall be maintained with all responses to inquiries being conducted through the chairman and then to the members making the request. Such responses shall be made by formal address as specified in subparagraphs 1 and 2 above.

RULE 6: AGENDA

A. General

1. The agenda for each regular CCP and EC meeting shall reflect the order of business established by Rule 4, shall be prepared by the appointed staff of the Probation Department, and shall include matters that come before the CCP and the EC in the ordinary course of business or which are placed on the agenda by direction of the CCP or the EC or the chairman.
2. Requests for special appearances before the CCP or the EC or for consideration of matters that would not normally come before the CCP or the EC in the ordinary course of business shall be considered and determined by the chairman.
3. Agenda items may be considered in any order convenient for the CCP or the EC and multiple agenda items may be considered together and as one, provided, however, that no noticed public hearing shall commence before the time stated in the notice for the hearing.

B. Agenda Preparation and Schedule

1. Member requests for items to be placed on the agenda shall be filed with the appointed staff of the Probation Department in accordance with the format in Appendix A attached herein.
2. Member agenda item requests shall be received by the appointed staff of the Probation Department no later than 10 (ten) business days prior to the scheduled meeting, by 5:00 p.m. and shall, upon receipt, include all supporting documents and materials.

C. Staff Reports for Agenda Items

All agenda items submitted by or through any member shall be submitted in the format specified in Appendix A attached herein.

D. Agenda and Staff Report Availability

The appointed staff of the Probation Department shall:

1. Cause a copy of the agenda to be posted pursuant to the Brown Act;
2. Have and make available for public inspection and copying an agenda for each meeting;
3. Have a sufficient number of copies available for the public at the time and place of each meeting.

RULE 7: PROCEDURE FOR CONSIDERATION OF CONSENT AGENDA

- A. The order of procedure for the CCP and the EC consideration of the consent agenda is:
1. The chairman calls the agenda item number. Any item removed from the consent agenda by a member of the CCP or the EC or the public is then considered in the listed sequence as part of the regular agenda.
 2. The consent agenda is considered by the CCP or the EC and is approved by one motion.
 3. A poll of the CCP or the EC vote is conducted.
 4. The Chairman announces the voting results.
- B. The chairman may provide clarification or correct ministerial errors within a recommended action on the consent agenda without removing the item from the consent agenda.

RULE 8: PROCEDURE FOR CONSIDERATION OF NON-CONSENT AGENDA ITEMS

The order of procedure for CCP or the EC consideration of non-consent agenda items is:

- A. The chairman calls the agenda item by subject or title and reads the recommended action.
- B. Any member voluntarily or involuntarily disqualified from making or participating in the making of the decision announces the disqualification and abstains from voting.
- C. The staff report, if any, is given, including any recommended actions. Excepting, however, if a CCP or EC member or member of the public has requested that the item be considered separately during the reading of the consent agenda, that member or member of the public shall state their concerns or state their questions at this time. Staff shall follow with responses to the concerns if so permitted by the chairman.
- D. The CCP or the EC considers the item and allows for public comment.
- E. A poll of the CCP or the EC vote is conducted.
- F. The chairman announces the voting results.

RULE 9: VOTING

A. General

1. Each member shall vote on matters before it verbally.
2. A call for "Yeas or Nays" may be made by the Chairman on noncontroversial and non-substantial items.
3. A Roll Call vote will be conducted on other items.

4. The appointed staff of the Probation Department shall verbally call the members' names for a Roll Call vote.
5. The Chairman will announce the voting results.

B. Majority Vote Requirements

A majority of a quorum is needed to pass a motion unless otherwise specifically provided in these rules.

C. Quorum

1. A Quorum of the CCP was determined to be eight members on August 31, 2011.
2. A Quorum of the EC was determined to be five members on August 31, 2011.

D. Abstentions

An abstention from voting on the merits of any matter shall be announced audibly. The member shall state the reason for the abstention. Any member who so abstains shall be recorded as voting "abstain."

E. Tie Vote

If the CCP or the EC vote is a tie vote, that vote shall constitute denial of the request or appeal.

F. Proxy Votes

The CCP and the EC approved the use of proxy votes on August 31, 2011. The proxy is only valid if the member contacts the chairman, or the appointed Probation Department staff, prior to the actual meeting and designates who the proxy is. This designation can be done in person, in writing, by telephone or electronic communication.

RULE 10: RECORDATION OF PROCEEDINGS

- A. The appointed staff of the Probation Department shall cause an electronic or other mechanically-produced recording to be made of each public meeting of the CCP or the EC.
- B. The failure of the appointed staff of the Probation Department to discharge this duty or the inability to produce or maintain such a recording due to failure of equipment or destruction of the recording shall not be grounds to invalidate or challenge any proceeding before, or any action taken by, the CCP or the EC.

RULE 11: REFERRALS TO DEPARTMENTS

- A. Preliminary staff work, such as introductory research, on an issue for an individual member may be performed by a County department, but extensive staff work, such as the preparation of reports, and like items, shall only be carried out after approval by the CCP or the EC in open session and referral to the County department(s) to undertake such work.
- B. The following procedure shall be followed for referring an item to staff for new or additional research and presentation of a recommendation.
 - 1. A referral may only be made upon a motion, second and majority vote.
 - 2. The matter shall be referred to the specific department or combination of departments whose mission and resultant duties and tasks are most directly related to the subject matter.
 - a. Referrals may be made directly to departments within an agency or to the agency itself.
 - b. Referrals shall be made to the department, and shall not be made to a particular branch, division, office location, individual or other such organizational segment.
 - c. At the discretion of the member making the motion, the CCP or EC may request a report back on a specific date.

RULE 12: PUBLIC PRESENTATIONS

Individual speakers may be limited to two minutes; however, the Chairman has discretion.

RULE 13: ANNOUNCEMENT OF ACTIONS – CLOSED SESSION

The CCP or the EC shall announce each action of the CCP or the EC following a closed session as provided for within the Brown Act.

RULE 14: APPOINTMENT OR DESIGNATION OF MEMBER TO REPRESENT THE COMMUNITY CORRECTIONS PARTNERSHIP OR THE EXECUTIVE COMMITTEE

A. Appointment/Designation

In those instances where the CCP or the EC is requested or desires to appoint or designate a member to represent the CCP or the EC before a legislative or governing body, community group, or other such body, the appointment or designation shall be made by nomination of a member, acceptance of the nomination by the member nominated, and majority vote.

B. Absence of Nominated Member

Any member who anticipates being absent from the meeting at which the appointment or designation is to be considered, may propose to accept a nomination, should he/she be nominated, through the submission of written materials to the appointed staff of the Probation Department prior to the meeting.

RULE 15: PROCEDURE FOR CONSIDERATION OF AB 109 FUNDING TO SERVICE PROVIDERS FOR THE PROVISION OF PROGRAMS AND SERVICES TO THE CRIMINAL JUSTICE POPULATION

The CCP/EC recognizes the need and importance of seeking service providers for the provision of programs and services to the criminal justice population, thus creating a need to contract out for programs and services. To facilitate the process by which a service provider may request and obtain AB 109 funding for such programs, the CCP/EC has established a policy and procedure as set forth in Addendum A.

RULE 16: ADMINISTRATION OF RULES

A. Amendment

The CCP and the EC may from time to time amend these rules by majority vote order.

B. Publication

The appointed staff of the Probation Department shall make these rules and any amendments to them available for public inspection via the CCP website located at www.kernprobation.com and shall distribute copies upon request and payment of any applicable copying charge.

RULE 17: RULES ARE PROCEDURAL

These rules are adopted and intended to provide procedures for the conduct of the CCP's and the EC's business. Any action which is taken by the required number of affirmative votes shall be effective for all purposes and shall not be invalidated or in any other manner limited in its effect because of a claim that the procedure followed by the CCP or the EC in taking such action was not in accord with any provision or provisions of these rules.

ADDENDUM A

KERN COUNTY COMMUNITY CORRECTIONS PARTNERSHIP (CCP)

RULE 15: PROCEDURE FOR CONSIDERATION OF AB 109 FUNDING TO SERVICE PROVIDERS FOR THE PROVISION OF PROGRAMS AND SERVICES TO THE CRIMINAL JUSTICE POPULATION

Funding is only available by way of a competitive process initiated by the CCP/EC or on an emergency basis, as determined and approved by the CCP/EC.

1. Competitive Funding Process – At the discretion of the CCP/EC and as funds are available, the CCP/EC may choose to initiate a competitive funding process for service providers.
 - a. Notification of availability or non-availability of funds for the competitive process will be posted on the AB 109 web page (<http://kernprobation.com/adult/ab109ccp-realignment/>).
 - b. The competitive funding process as initiated by the CCP/EC, generally runs from September through December of each year with awards in January of the following calendar year, but may be initiated at any time at the discretion of the CCP/EC.
2. Emergency – An emergency is an event or series of events not reasonably foreseen, planned for or anticipated.
 - a. The CCP/EC will determine if an emergency exists.
 - b. The CCP/EC will determine the process for distributing funds in an emergency situation.

Notwithstanding the aforementioned rules and procedures, ultimately the CCP/EC retains the authority to distribute AB 109 funds at its discretion.

This Rule does not apply to county agencies and/or CCP/EC member agencies/organizations who may request funding at any time through the CCP/EC.

This policy does not preclude individual CCP/EC member agencies/organizations from contracting for programs and services.

APPENDIX A

AGENDA ITEM REQUEST*

Community Corrections Partnership (CCP)

**Agenda Item Requests are due at least ten (10) business days prior to CCP meeting.*

TO: Community Corrections Partnership (CCP)/
Executive Committee
c/o Kern County Probation Department,
Rebecca Jamison, AB 109 Research, Analysis & Data
2005 Ridge Rd, P.O. Box 3309
Bakersfield, CA 93385

FROM: **Name:** _____
Title: _____
Agency/Organization/Dept.: _____
Address: _____
Phone #: _____ **Alternate Phone #:** _____
Email: _____

Submitted are the following agenda item(s) to be considered by the Community Corrections Partnership (CCP) at the meeting of _____:

[Title/Subject Description]

[Background (brief)]

[Fiscal Impact, if any]

[Recommendation/Action to be Taken]

[Signature] _____

[Print Name and Title] _____