

**VILLAGE OF YELLOW SPRINGS, OHIO  
ORDINANCE 2018-49**

**ENACTING A NEW CHAPTER 290 ENTITLED JUSTICE SYSTEM COMMISSION OF  
TITLE EIGHT BOARDS AND COMMISSIONS OF PART TWO ADMINISTRATION  
CODE OF THE CODIFIED ORDINANCES OF THE VILLAGE OF YELLOW  
SPRINGS, OHIO**

**Whereas**, Village officials have undertaken a review of the roles and responsibilities of the Justice System Task Force; which was created in 2016 to review and update the Village Justice System; and,

**Whereas**, it is Village Council's intent to codify its continued commitment to ongoing review and research of best practices for a fair, responsive and forward thinking Village justice system; and,

**Whereas**, Village Council recognizes the importance of gathering and considering the experiences, insights and professional opinion of those employees tasked with communicating and carrying out policy respective to enforcement and justice in the Village, as well as that of qualified and committed citizens,

**NOW, THEREFORE, COUNCIL FOR THE VILLAGE OF YELLOW SPRINGS, OHIO  
HEREBY ORDAINS THAT:**

**Section 1.** A new Chapter 290 *Justice System Commission* of Title Eight *Boards and Commissions* of Part Two *Administration Code* of the Codified Ordinances of the Village of Yellow Springs, is hereby enacted, to read as set forth in Exhibit A, which is attached hereto and incorporated herein.

**Section 2.** This ordinance shall take effect and be in full force at the earliest date permitted by law.

\_\_\_\_\_  
Brian Housh, President of Council

Passed: 12-3-2018

Attest: \_\_\_\_\_  
Judy Kintner, Clerk of Council

**ROLL CALL**

Brian Housh   Y        Marianne MacQueen   Y        Kevin Stokes   Y    
Lisa Kreeger   Y        Kineta Sanford   Y

## **CHAPTER 290 Justice System Commission**

[290.01](#) Establishment and Purpose.

[290.02](#) Membership and Procedure.

[290.03](#) Powers and Duties.

[290.04](#) Reports.

[290.05](#) Compensation.

***CROSS REFERENCES*** *Power of Council to establish - see CHTR. § [17](#)*

### **290.01 ESTABLISHMENT AND PURPOSE.**

There is hereby established in and for the Village a Commission, which shall be known as the Justice System Commission. This Commission will assist Village Council and the Mayor in overseeing the Yellow Springs justice system and its efforts to preserve the safety of all persons in the Village, to provide respectful service in the interest of victims, to uphold civil liberties, to be proactively anti-racist and to fight the criminalization of poverty and mental illness. The Commission shall provide capacity regarding research on best practices, data analysis regarding current and future practices and their impacts, and other activities as directed by Village Council to support its justice system goals.

### **290.02 MEMBERSHIP AND PROCEDURE.**

(a) The Justice System Commission will consist of five to seven members who are appointed by Council subsequent to submitting a letter of interest and resume and being interviewed and recommended by two Council members.

(b) One member shall be a Council Liaison, appointed to serve at the pleasure of Council, charged with coordinating Commission activities in line with Village goals and objectives and ensuring communication between Council and the Commission. The other members shall be appointed for three-year terms. At the outset, some members shall be assigned two-year terms, and some members shall be assigned three-year terms, after which all terms shall be three years in duration. Members shall serve until their successor is appointed by Council or they are no longer eligible to serve.

(c) Up to two members can be at-large members if there are no qualified Village resident candidates or there are other compelling reasons in line with the purpose of the Justice System Commission. However, the Justice System Commission will consist of a majority of Village residents, and non-resident members should only be appointed in exceptional circumstances.

(d) Each member of the Justice System Commission shall demonstrate experience, expertise and/or education that is relevant to the purpose, powers and duties of the Commission. The members of the Justice System Commission shall be as broadly representative of the residents of

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the Village as possible. The Chief of Police or their appointee, a representative from the Mayor's office, and a representative appointed by the Village Manager will serve as ex officio members.

(e) The Justice System Commission shall annually select a Chair, Vice-Chair and Secretary. Except in unusual circumstances, the Council Liaison will not serve as an officer. The Chair with the Commission creates the agenda at the end of each meeting. The Chair leads the meeting. The Vice-Chair fills in for the Chair in their absence and takes on other responsibilities as appropriate. The Secretary is responsible for taking minutes and sending them to the Clerk of Council in a timely manner after approval.

(f) Generally, a Commission member shall serve no more than two full consecutive terms. However, Council may determine in certain situations that extending a Commission member's term is appropriate. In the event of the death or resignation of any member, a successor shall be appointed by Council to serve for the unexpired period of the term for which such member has been appointed.

(g) Council is authorized to appoint up to two alternate members to serve on the Justice System Commission. An alternate member shall be selected for a term of two years and shall be a resident of the Village. Alternate members are encouraged to attend Justice System Commission meetings, whether or not they are serving as a member of the Commission at that meeting. However, there is no requirement that an alternate member attend meetings at which they are not asked to serve as a Justice System Commission member. In any event, no alternate member shall cast a vote on a matter that was heard, in part or in full, at a prior meeting that the alternate member did not attend. If an alternate member is present as a Justice System Commission member and a vote is to be taken on a matter for which the alternate member was not present during part or all of the hearing on the matter, the alternate member shall not be considered as part of the quorum for purposes of determining a majority of the quorum of the Justice System Commission in deciding votes for and against matters. An alternate may apply to be a Commission member if a seat becomes open in the manner outlined in 290.02 (a).

(h) A majority of current Justice System Commission members shall constitute a quorum, and the concurring vote of a majority shall be necessary to take any action authorized by the Code.

(i) The Justice System Commission will have available to it through the Clerk of Council's office, without cost to its members, those things necessary to carry out its charge, such as a meeting room, copying/printing and postage. Any other expenditure of funds must be approved by Council.

### **290.03 POWERS AND DUTIES.**

The Justice System Commission shall:

(a) Propose recommendations to Village Council for policies and priorities that align the practices of the Yellow Springs Police Department (YSPD) and the Mayor's Court with

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community values. As a part of diligent recommendation development, the commission should:

- (i) Research current policies and practices prior to developing any recommendation.
  - (ii) Describe how the proposed recommendation would affect current policies and procedures.
  - (iii) Consider input from staff, including legal and practical concerns regarding the recommendation prior to coming to Council;
- (b) Work to educate itself and the community on current Village practices, the effects of those practices and who is affected as well as research best practices and learn about the community's concerns and priorities regarding security and justice;
  - (c) With the approval of Council, initiate public education activities related to its purpose;
  - (d) Conduct an annual planning process, which will include adopting rules and procedures (or otherwise following *Robert's Rules of Order*) necessary for the Commission's proper function and consistent with the Village Charter and Ohio Sunshine Laws, that results in priorities and work plans describing the Commission's intended focuses and activities for review by Council and filed with the Clerk of Council; the Commission shall also update its work plans throughout the year prior to working on new policy recommendations or significant research projects for review by Council and filed with the Clerk of Council;
  - (e) Keep minutes of its proceedings that reflect the actions of the Justice System Commission, the reasoning behind those recommendations, and the vote of each member upon each question or, if absent or failing to vote, indicating as such. Minutes and the records of all official actions shall be approved and filed with the Clerk of Council and kept as a public record;
  - (f) Hold regular public meetings that are properly announced and provide a list of agenda items to the Clerk of Council a week before a regular meeting, which is available to interested citizens;
  - (g) Facilitate connections between organizations in the Village engaged in justice issues and trends, and maintain a list of such organizations and contact information;
  - (h) Carry out such other duties as may be assigned to it by Council.

 **290.04 REPORTS.**

The Justice System Commission shall submit an Annual Report to Council concerning the activities and work of the Commission and from time to time shall submit such reports and recommendations as may be necessary to fulfill the purposes of this Chapter.

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 **290.05 COMPENSATION.**

The members of the Justice System Commission shall receive no compensation for their services as members thereof.