Interstate Compact for Juveniles
First Commission Meeting
December 16-17, 2008
Las Vegas, Nevada

12/16/2008

- Roll call and introductions
  - All member states present
- Representative Robert Damron of KY then provided an overview of what will happen during the next day and a half.

Background and History – John Mountjoy, Director of Policy and Research, CSG
- John Mountjoy provided a general overview of the history of the compact.
  - Success of the Adult Offender Compact encouraged OJJDP to redraft the Juvenile Compact.
  - Process started with the advisory group followed by the drafting team.
    - Goal of the process was to rework the 1955 compact to make it more usable.
    - After the compact was drafted it was circulated for review and comments.
      - Advisory group created a new vision and the drafting team figured out how to put that vision into place.
  - Compact moved quickly during the first three years – 29 states adopted.
    - Two states adopted the compact in each of the last three years.
      - Illinois became to 35th state to adopt in August of 2008.

Role of Interstate Commission and Compact Commissioner – Mike McCabe, Director, CSG Midwest
- Mike McCabe noted that the compact provides the commission and each commissioner substantial responsibility.
  - The original language of the compact tasks the commission with a variety of roles.
    - Some of these include setting rules, establishing committees, electing officers, and passing bylaws – Article Four.
- Mike pointed out that it is extremely important that each commissioner take time to read and familiarize themselves with the compact.
  - It is the commissioners who are ultimately responsible for the compact moving forward.
  - Commissioners need to take ownership of the commission and the process.

Commission Administration and Operation Session #1 – Rick Masters, Special Counsel, CSG
- Rick Masters walked the group through the bylaws and the adoption process.
  - The bylaws are authorized by the statutes that each member state has adopted.
  - The bylaws do not go beyond the legal scope of the compact.
They are primarily lifted from the text of the compact.
They are easy to amend, which can be done during the annual meeting if
the group thinks this is necessary.

- Bylaws are a procedural document to guide the direction of the compact moving
  forward.
  - The appointment process is extremely important – commissioner needs to
    be authorized by their state.

- Rick next reviewed each of the offices the group will be electing later in the
  meeting.
  - They include the Chair, Vice Chair, Secretary*, and Treasurer.
  - *Commission will also have the responsibility of hiring an executive
director (who will serve as the Secretary).
    - Executive Director will then work with the commission to hire
      additional staff.

- Rick also noted that the group enjoys immunity during all commission meetings.
- The commission is required to meet at least once a year based on the compact’s
  bylaws.
  - Group will likely meet many more times through different means.
    - One month notice must be provided about an annual meeting.

Rick observed that the draft bylaws provided, among other things, as follows:

- Voting is on a “one state, one vote” basis.
  - Members must vote on their own behalf.
- Have preliminarily adopted Robert’s rules.
  - Adoption of bylaws would mean accepting Robert’s Rules of Order
    permanently
- It was noted by Susan Morris of Oklahoma that the regional representatives were
  not included as part of the executive committee
  - That was an oversight and will need to be changed before adopting the
    bylaws.
- The fiscal year will run July 1 and end on June 30.
- It is important that the public have an opportunity to attend and observe each
  meeting.
- Commission cannot spend money it does not have – cannot incur debt.
- At this point Rick suggested that the group adopt the bylaws.
  - First gave opportunity for the group to make changes.
    - Brent Buerck of Missouri noted that there is no reference in the compact
to the rights of parents – may need to include that.
    - Donna Bonner of Texas noted that Texas’ fiscal year is a little different
than the one in the proposed bylaws.
      - Rick let the group know that this has been an issue before and
        there are a variety of ways to handle it.
    - Andrea McMahon of VA noted that Virginia needs substantial notice to
      arrange travel.
Representative Damron noted that it may be appropriate to put in a provision to allow for voting by phone during times of travel restrictions.
  o Kevin McKenna of RI raised the issue about quorum in response to Rep. Damron’s comment.

Make Lacy from WV motioned to adopt the bylaws.
  o Donna Bonner of Texas seconded.

Bylaws should be very generic in nature – rules making process allows things to get more specific.
  o Ray Wahl of Utah raised the point that we don’t want to change to language of the bylaws.
    ▪ May be better to table changing the bylaws until staff has an opportunity to review the impact changes would have on the compact.
      • Rick suggested we air on the side of caution.
      • Group decided to postpone the original amendment by Jean Hall of Florida (proposed amendment of Art. I, Section 1).
  o Next amendment was Article 2 – adding language about the rights of parents.
    ▪ Again Rick suggested caution – don’t want to be adding language that will cause a change to the compact.
      • Rules section may be more appropriate placement for this.
        o Mark Boger of ME recommended this be deferred to the establishment of the rules committee.
        o Missouri was fine with this.
  o Next amendment pertained to inclusion of regional representative as members of the executive committee.
    ▪ Susan Morris of Oklahoma made the motion – Donna Bonner of TX seconded
    ▪ May want to also include this in the section about the executive committee.
      • Makes it a little redundant, but adds clarity.
    ▪ Suggestion was made to place this suggestion as Article III
      • This motion carried.
  o Motion that the amended bylaws be adopted was moved by Mike Lacy of WV and seconded by Paul Gibson of KY.
    ▪ Motion passed unanimously – bylaws were adopted.

Rick noted that during regional meetings the group needs to select regional leadership and also think about who might want to run for office, which will be voted on tomorrow.

Regional Reports – Provided by regional representatives
  • Terry Clark (PA) – Eastern Region
    o Group stressed the need to make sure the meetings they have are viable.
    o Issue was raised about how to handle states that split probation and parole.
    o Group needs clarification about if a regional rep. can also serve as an officer on the executive committee.
      ▪ Rick Masters noted that there would be nothing to prohibit this.
  • Lisa Bjerggard (ND) – Midwestern Region
Primary focus was on setting agenda for rules committee
  ▪ How might the state of the economy impact the ability of non-member states to join the compact?
  ▪ Talked about timeline for returns and retention costs and the issue of medication.
  ▪ Problems accessing Medicaid coverage when a child moves.
  ▪ Wanted some discussion around tribes and how to better supervise those cases.

• Dale Dodd (NM) – Western Region
  o Talked about delinquent youth that are in treatment centers moving from other states.
  o Also talked with non-member states present about how to introduce legislation to join the compact.
  o Other major issue discussed was the transition issue between member and non-member states.
    ▪ Rick Masters is going to discuss this issue this afternoon
  o Mr. Dodd noted that they did not discuss tribal issues, but pointed out it is an issue that impacts western states as well

• Judy Miller (AR) – DCA from Arkansas who will be attending on Commissioner Angel’s behalf from this point on.
  o Southern region focused on where their member states are with the state councils.
    ▪ Most states are in the beginning stages of setting up their council – who will be serving and what role will they play.
      • Purpose of the council is to provide visibility to the compact and to serve an advisory role for the commission.

Committee Structure and Function – Mike McCabe, CSG Midwest (moved from 1:30 this afternoon)

• Mike McCabe pointed out that Article III gives the commission the authority to establish an executive committee.
  o Between commission meetings it is the executive committee who handles the day to day operations of the compact.
• Article IV allows the formation of additional committees as the commission deems necessary.
  o This is purposefully vague to allow the group some discretion.
• Mike recommended the group establish the following committees.
  o Executive Committee;
  o Finance Committee;
  o Rules Committee;
  o Compliance Committee;
  o Training, Education, and PR Committee; and
  o Information Technology Committee
    ▪ Mike asked the group to use the sign-up sheets at the back of the room– hope is that each commissioner will sign-up for at least two committees, ranking their priority.
• Mike asked the chair [Crapy, are you sure it was the chair? I think this should have been the commission.] to accept the committee structure
  o Motion was made by Gary Hartman of WY and seconded by Ron Angel of AR
    ▪ Dale Dodd of NM raised the question about having a legal and bylaws committee.
  • Rick Masters noted legal issues could be held within specific committees and that bylaws probably did not merit this.
  o At this point group voted on proposed committees.
    ▪ Motion passed unanimously.

Rules and Transition Issues – Rick Masters, Special Counsel, CSG
• Rick Masters stated that at this point the compact is active and in effect.
  o For the next year the old rules will apply and continue to govern the compact.
    ▪ However by this time next year the transition from the old compact to the new one should be complete.
• Because of that Rick recommends the adoption of transition rules to govern the group for the next year – they can be changed during the next 12 months.
  o Brent Buerck from MO raised the issue about spelling out the language about parental rights in Article II.
    ▪ Rick wasn’t sure if it was necessary to restate this – it is already under effect from the old compact.
    ▪ Brent made a formal motion to include Article II language in the rules of the new compact – Sherry Bolden Rivers of TN seconded this.
• At this point the group voted on the amendment to the transition rules
  o Motion passed with one in opposition
• The transitional rules were then adopted without opposition

Commission Administration and Operation: Session 2 – John Mountjoy, Director of Policy and Research, CSG
• John Mountjoy noted that any decisions that are made can always be revisited and changed as things evolve over time
• Began by talking about commission finances.
  o At this point the project is still being funded by OJJDP.
    ▪ That funding is not going to be permanent.
  o CSG staff will continue to provide services until the commission is able to hire adequate staff.
    ▪ That commitment will remain in place.
• John next moved into a discussion about the dues formula, state assessment, state data cycle, and the annual budget.
  o The dues formula is the same one that is used by the adult compact.
    ▪ (state population/us population) + (state transfers/us transfers)/2
    • This dues formula has been used throughout.
    • The smallest assessments using the formula are found in the US territories and the largest are Florida, California, and Texas.
    ▪ John recommended the group accept this dues formula.
• Jean Hall from Florida pointed out that this formula will dramatically raise dues for Florida.
• John did note that the new commission would have a full time staff and several other services that currently do not exist, which explains why dues are significantly higher under the new compact.
  o Also noted that dues are based on equity.
• Dawne Gannon from SC raised the question about how costs might be controlled and contained in light of the current economic conditions.
  • John did concede that some assumptions were taken during the creation of the budget.
  • Some areas can probably be done without at this point.
    o The compact cannot spend more money than it has regardless of what size budget is adopted.
• Rep. Damron of KY pointed out the first thing we need to vote on would be the dues formula.
  • Jean Hall did raise the question about when dues would be due.
    o Especially a concern for states not working on the same fiscal year – raised earlier in the meeting by Donna Bonner.
  • Michele Holden from DE raised the question about what happens of a state can’t pay.
    o Rick Masters noted that some reasonable amount of time would be allowed and then it would be a compliance and enforcement issue.
  • Susan Morris from OK and Larry Callicut from ID both raised the issue about how to fund the project in the interim until dues begin to come into place.
    o The commission may have to prioritize things – the budget allows this to happen with $650,000 in the door.
  • Kevin McKenna of RI did point out that we are voting on a million dollar budget knowing we have only $650,000 accounted for right now. [Crady, there was nothing said to close the loop on this point? This appears to be an open subject otherwise and it could cause some unneeded controversy once these minutes are distributed.]
• Motion for current dues structure was made and seconded
  • Dues formula was adopted by a 76 to 24 percent margin
  o Next item in John’s presentation was the state assessment.
  • Goal all along was to determine where the natural breaks in the data occur.
    • Created a tiered assessment for this purpose designed to serve as a starting point.
  • Need to adopt some kind of assessment formula with the knowledge that it will change and evolve over time.
    • Based on current memberships and state assessment, total budget would be $650,000.
      o There will be opportunity to reconsider the breaks along with the various components that factor into the state assessment.
• John is asking the group to adopt this state assessment for FY 10 – this would provide the initial assessment.
• Dale Dodd of NM did raise the question about considering a basic flat assessment fee for everyone.
  • This was discussed at length during the development of the compact – advisory and drafting group decided that equitable assessment fee was better than a flat fee for every state.
  • Lawmakers at the legislative briefing meeting four years ago thought this assessment fee was better for everyone.
  • Brent Buerck of MO noted that all fifty states are already following a similar formula for the Adult Compact – changing the formula now would probably create more trouble for everybody involved.
• Motion to accept this assessment system was made by Dennis Casarona of Kansas and seconded by Brent Buerck of MO.
  • Motion passed 88 to 12 % to accept for this coming fiscal year.

  o John now moved into a discussion about the state data cycle.
    • Raised the question about how often the state assessment structure should be revised and how often transfer data should be revisited.
      • The adult compact collects data every month, but has not changed their data cycle since the inception of the compact five years ago.
        o ICAOS staff noted that they are waiting for new census figures to come out before reconsidering.
  o Budget and Spending plan is next
    • Based on the 35 member states that are part of the compact we can expect to generate $650,000.00.
      • John outlined two options – adopt the budget as is with the knowledge that you can only spend what you take in
      • Other option would be to adopt a totally new budget
    • Dennis Cassarona from Kansas proposed the budget be redrawn for reconsideration in the morning—this was seconded by Billie Greer of Illinois
      • This motion passed unanimously.
        o John agreed to rework the budget and submit it again to the commission for consideration.
  o Final piece is to talk about where the commission is housed.
    • CSG has been in the compact business for a while through the national center for interstate compacts.
    • CSG has a desire to be helpful to the commission.
    • There are three options to consider for housing.
      • Go it alone;
      • Go with an association management firm that can provide many services to get off the ground; or
      • Third option is to enter into secretariat agreement with CSG.
o Makes it much easier for the commission to secure the necessary service to get off the ground more quickly and efficiently.
  o Harry Hageman from ICAOS noted that it would be difficult to duplicate the services provided by CSG.
  o Housing at CSG provides economies of scale for the group.
    ▪ Kevin McKenna asked if the figures in the original budget were based on the cost of living in Lexington, KY.
      • Answer to that question is yes.
    ▪ Gary Hartman of WY motioned to house the group at CSG, Mike Lacy of WV seconded.
      • Vote passed by a total of 97 to 3 percent

State Council Development – Ashley Hassan and Harry Hageman, ICAOS
  • State Council can and should serve as a resource for the commissioner.
    o Has the potential to be a real asset to the compact – build a team.
    o Key is to put the right people on the state council.
      ▪ Don’t just appoint the people required by statute – go above and beyond that.
      ▪ Goal needs to be to put people on the state council that have real influence.
  • Larry Callicut from Idaho also spoke about the development of their state council
    o Has been in place since January, 2006
      ▪ Highlighted who their state council consisted of – (may want to touch base with Alicia Ehlers to get the list)
        • Established a cross section of people across Idaho who work and deal with the issue at hand.
        • More than happy to assist with the development of other state council in any way they can.
    o Council in Idaho meets quarterly.
  • The adult compact has a fund to provide technical assistance for state council development – assistance can come from a fellow member state or the executive director.
  • The initial state council meeting should determine the mission, long-term goals, and how often they meet.
    o State council can also help by assessing workload and recommending changes in processes and procedures.
  • State council should have a solid understanding of how the commission works.
    o The more you can involve the council the better.
  • Harry Hageman recommended doing some kind of self-assessment of each state council.
  • Use your state council to speak to various groups within each state – they have real influence.
  • There are a lot of different ways to involve the state council.
  • Rick Masters did note that the State Council is part of each member state’s obligations.
    o There is no specific time line laid out for this, but Rick noted that reasonable efforts should be made to get the state council up and running as quickly as possible.
• Pat Pendergast of Alabama raised the question about who in the state has appointing authority for the state council.
  o Compact is silent on this – certainly it seems reasonable to assume that commissioner from each state can and should be involved in this process.

Reworked Budget – John Mountjoy, Director of Policy and Research, CSG
• Per the group’s request, John Mountjoy reworked the budget – the new budget totaled $648,834.
  o John next outlined how he reduced the budget by about $350,000.
  o The new budget laid out very clearly the indirect costs for secretariat services through CSG
    ▪ Would be about 20% first year and 13.5% in subsequent years
  o This budget does not have a reserve fund or a technology fund
  o Sherry Jones from Maryland noted that the Executive Director’s salary actually increased in the new budget.
    ▪ John felt that the new salary was more in line with what an executive director should currently make.
• Proposal was made and seconded to adopt the new budget – new budget passed.

ICOTS Presentation – Harry Hageman, ICAOS
• Harry Hageman noted any time you build a new system you have to know the requirements.
  o First requirement is that it likely needs to be web enabled.
• Also need to define your business process.
  o Needs to comply with the compact’s rules.
• The ICOTS system was specifically designed for adults – there is however some overlap which should save money.
• It is essential to define what kind of system you want and what standards will be required to run, operate, maintain, and host the system.
  o Always base contracts with a vendor on deliverables.
    ▪ Know what will happen if the vendor can’t deliver.
• Then you have to know how to verify and maintain data.
  o It is essential to get good data.
• Need to know how to handle vendor delays and changes in scope requirements.
  o All of this information is essential to controlling costs.
• Have to meet federal regulations to share information and data.
• Harry’s primary point is that this is a big undertaking – requires patience.
• Paul Gibson from KY raised the question about how much data cleaning costs.
  o Harry responded (?)Probably will require one full time staff.
    ▪ Will simply need to figure other ways to offset costs.
• Most of ICOTS training was done electronically.
  o ICAOS does not host or maintain the hardware, but they do have somebody that manages the content of the site daily.
• Should probably tackle the process a little bit at a time – don’t bite off too much at once.
  o ICOTS was a system that was five years in the making.
Morning Roll Call – 6 were missing

*Old Business*
- Commissioner Jean Hall from Florida brought the motion she made yesterday to amend Article I of the bylaws back up.
  - Wanted to ensure supervision of juveniles was mentioned in the bylaws.
  - Brent Buerck of MO made an additional recommendation to only include supervision of juveniles.
    - Suggestion made by MO was okay with Jean Hall – edited version appears on Amy’s computer.
  - Rick made one additional suggestion – goal was to tighten the language a little bit.
- At this point Chairman Damron called the vote.
  - Amendment was adopted by a vote of 87 to 13%.

*Election of Officers -- Terry Clark from PA was the nominating committee chair.*
- First voted on commission chair
  - Donna Bonner – TX
  - Brent Buerck – MO
  - Mike Lacy – WV
  - Ray Wahl – UT
    - Each person gave a brief speech about their qualifications for the position
      - Should be 32 votes present
  - No candidate received 51% of the vote
    - Revote on just Donna Bonner -- TX and Mike Lacy – WV
      - Donna Bonner of TX was elected chair and accepted
- Vice Chair
  - Larry Callicutt – ID
  - Paul Gibson – KY
  - Susan Morris – OK
    - Once again each person gave a brief speech
  - Larry Callicutt of ID was elected the new Vice Chair and accepted
- Treasurer
  - Dennis Casarona – KS
    - Mr. Casarona was elected and accepted
- Group also talked about a job of interim secretary – for now that will continue to be filled by CSG
  - Once an executive director is chosen that person will become the Secretary.

*New Business – Donna Bonner, TX*
- First item was a brief discussion about next’s year’s annual meeting.
The group would like to stay away from December date.

- Ray Wahl of UT mentioned a January date.
- Kevin McKenna of RI mentioned November.
- Brent Buerck of MO mentioned even sliding into October or the first part of November.

Also considered locations.

- Las Vegas was once again mentioned.
- Along with Austin, Houston, and Phoenix.
  - Pat Pendergast of AL mentioned deferring selecting a location until costs could be evaluated.

Summer Foxworth of CO raised the question about the selection of the Executive Committee.

- First part of that process will fall to the executive committee.
- Will likely be a very open, transparent process with very clear guidelines about applications and selection process.

Dues notices will go out shortly after the meeting – will come from CSG staff in Lexington with the July 1 goal still in mind.

Summary and Next Steps – Keith Scott, Director, The National Center for Interstate Compacts

- Keith Scott gave a brief review of what we have accomplished and what the next steps will be over the next 12 months.
  - To get to this point required 35 states.

Next Steps

- Develop Interstate Commission website;
- Develop rules and regulations of compact;
- Hiring of the commission staff and interim staff support from CSG;
- Develop (refine) commission budget as needed;
- Invoicing to states for the dues approved within the compact;
- Development of an information clearinghouse regarding the compact; and
- Planning and coordination for the meeting of the commission.

Meeting Accomplishments

- Adopted interim commission bylaws;
- Elected regional representatives;
  - Lisa Bjergaard – ND
  - Terry Clark – PA
  - Dale Dodd—NM
  - Judy Miller – AR
- Elected Officers;
  - Chair – Donna Bonner, TX
  - Vice Chair – Larry Callicut, ID
  - Treasurer – Dennis Casarona, KS
- Adopted Committee Structure;
- Adopted Transition rules;
- Adopted fiscal year to run from July 1 to June 30;
- Adopted state assessment and dues;
- Ratified a revised budget plan -- $648,834;
- Made State Council development progress; and
- Voted to house commission with CSG, pursuant to a secretariat agreement.