



INTERSTATE COMMISSION FOR JUVENILES

EXECUTIVE COMMITTEE MEETING

Minutes

Thursday, March 24, 2011

Lexington KY

8:00 - 5:00 EST

Committee Members in Attendance:

1. Terry Clark (PA) Chair
2. Summer Foxworth (CO) Vice Chair
3. Dennis Casarona (KS) Treasurer
4. Judy Miller (AR) Designee
5. Jean Hall (FL) Commissioner
6. Mark Boger (ME) Commissioner
7. Rose Ann Bisch (MN) Commissioner
8. Clarence Powell (MS) Designee
9. Dale Dodd (NM) Commissioner
10. Gary Hartman (WY) Commissioner
11. Donna Bonner (TX) Past Chair Ex Officio
12. Trudy Gregorie (DC) Victims Ex-Officio

Committee Members Not in Attendance:

1. Lisa Bjergaard (ND) Commissioner

Guests in Attendance:

1. Cheryl Sullivan-Colglazier (WA) Victims Ad Hoc Committee Chair

Staff in Attendance:

1. Ashley Lippert, ICJ Executive Director
2. Jack Branum, Project Manager
3. Jimmy Frazier, MIS Project Manager
4. Emma Goode, Administrative and Logistics Coordinator
5. Rick Masters, Legal Counsel

Call to Order

Chair Clark called the meeting to order at 8:06 a.m. EST.

Roll Call

A. Lippert called the roll. Twelve of the thirteen members were present. Ten of the eleven *voting* members were present, establishing a quorum.

Agenda

Chair Clark asked for a motion to approve the agenda. **S. Foxworth (CO) moved to approve the agenda as presented, G. Hartman (WY) seconded. The motion passed.**

Minutes

Chair Clark asked for a motion to approve the minutes from the previous meeting. **J. Miller (AR) moved to approve the minutes of the January 27, 2011 meeting, M. Boger (ME) seconded. The motion passed to approve the minutes as presented.**

Committee Reports

Executive Committee (presented by Terry Clark)

Vice Chair Vacancy

- Chair Clark reported the resignation of Ray Wahl creates a vacancy in the Vice Chair Officer position. In accordance with Article IV, Section 4, the Executive Committee shall appoint a successor to hold the office for the unexpired term. Chair Clark presented Summer Foxworth, Colorado Commissioner and West Region Representative, for consideration and opened the floor to nominations.
 - **T. Clark (PA) made the motion to nominate S. Foxworth (CO) for the position of Commission Vice Chair for the unexpired term. J. Miller (AR) seconded.**
 - S. Foxworth (CO) accepted the nomination.
 - **G. Hartman (WY) made the motion that nominations cease and the Executive Committee appoint S. Foxworth (CO) to fill the position of Commission Vice Chair until the 2011 Annual Business Meeting officer elections. J. Hall (FL) seconded. The motion passed.**
 - S. Foxworth (CO) agreed to fill the position of Vice Chair while continuing her current role as West Region Representative and Regional Representatives Chair.

ICJ/AAICPC Memorandum of Understanding (MOU) Update

- Chair Clark reported that ICJ Commissioners are expressing concern that the ICJ/AAICPC Memorandum of Understanding was disbursed to AAICPC members for review.
- Chair Clark outlined the path of the MOU to date. He explained the organizational differences between the ICJ Commission and the AAICPC Association and opened the floor to discussion.
- S. Foxworth (CO) voiced concern on behalf of the Regions that ICJ be afforded the same opportunity to review the document. She clarified her understanding of the vote during the 2010 Annual Business Meeting which was to approve the ICJ/AAICPC Ad Hoc Committee Report and its recommendation to enter into a Memorandum of Understanding.
- R. Masters advised that procedurally the minutes reflect the vote for the Memorandum of Understanding. The Committee Report was to accept the MOU and authorize the Executive Committee to finalize its language prior to the Chair signing on behalf of the Commission. He cited the Roberts Rules of Order procedures for the reconsideration of a Commission vote.
- The Committee debated and agreed that the Regions would meet to review the ICJ/AAICPC Memorandum of Understanding. The Region Representatives will develop a standardized agenda to lead discussion at their Region meetings.

- Chair Clark welcomed the Region Representatives to reach out for his assistance on the call as needed.
- R. Masters reported he will attend the AAICPC 2011 Annual Conference on April 29 in Minneapolis, MN. Chair Clark reported he will not attend.

Non-Member States Update

- Chair Clark updated the following as non-members states: Georgia, Ohio, Indiana, New Hampshire, New York, and the District of Columbia.
- A. Lippert reported on continued outreach support to the states as they move forward with legislation. R. Masters reported he traveled to Washington, DC and testified in support of the DC Compact legislation.
- A. Lippert reported legislation passage is anticipated this session for all states except Georgia. R. Masters referenced the recent articles published in the Juvenile Justice Exchange and Youth Today magazines regarding Georgia.
- R. Masters reported he drafted an opinion and letter to Georgia to acknowledge that after June 30, 2011, states under the new compact that have repealed the old compact would need to enter into agreements with Georgia on a case by case basis in order to continue doing business. He encouraged states to obtain a written agreement for each new case with Georgia.
- The Committee discussed operational and public safety issues after June 30, 2011 without Georgia as a compact member state.

Semi-Annual Report

- Chair Clark requested A. Lippert to prepare a mid-year report similar to the annual report depicting the Commission's accomplishments to date.
- The National Office will forward the report to the Commission and post to the Commission's website.

Finance Committee (presented by Dennis Casarona and Ashley Lippert)

- Treasurer Casarona reported the Finance Committee met on March 22, 2011 and agreed to the following:

FY 2011 Budget Update

- A. Lippert reported the actual figures for the FY 2011 Budget to be on track with spending for the year. She anticipates completion of the year under budget and noted all FY 2011 dues have been paid.
- Treasurer Casarona noted the budget meets the CSG recommended 20-25 percent of operating budget in reserve.

FY 2012 Budget Adjustments

- A. Lippert reported the following recommended line item adjustments to the approved FY 2012 Budget:
 - Addition of interest income
 - Increase in employee benefits
 - Reduction in computer and phone services
 - Increase in rent
 - Reduction in indirect costs
- The Committee reviewed and questioned the CSG line items resulting from the office relocation. A. Lippert clarified the CSG indirect costs in Line items 37 and 50 will be reduced in FY 2012 to 12% and further reduced in FY 2013 to 11.5%. Additionally, the Council of State Governments/ICJ Memorandum of Understanding will be amended to reflect the change.

- **C. Powell (MS) made the motion to approve the adjustments recommended to the FY 2012 Budget. G. Hartman (WY) seconded. The motion passed.**

FY 2013 Budget Proposed

- A. Lippert compared the proposed FY 2013 Budget to the FY 2012 Budget. She highlighted a decrease in indirect costs, increase in revenue with the inclusion of five additional compact states, and estimated expense for 2012 Annual Business Meeting until the site is approved.
- The Executive Committee reviewed and agreed with the recommendations of the Finance Committee.
- **G. Hartman (WY) made the motion to recommend to the full Commission for approval the proposed FY 2013 Budget as presented. J. Miller (AR) seconded. The motion passed.**

Bench Book Production and Distribution

- A. Lippert reported the costs for the reproduction and distribution of a printed copy of the Bench Book to the Commissioners/Designees in all member states.
- Treasurer Casarona spoke to the Finance Committee's recommendation that the Commission not incur any additional costs, or offer a purchase option, to distributing the Bench Book and agreed the electronic version to be more efficiently updated and cost effective.
- The Executive Committee agreed with the recommendation from the Finance Committee.
- The National Office will update the website and announce the bench book availability and the availability of future updates as they occur.
- At the request of the Committee, the National Office will investigate options to search the bench book with links to West Law legal reference.

Training, Education & Public Relations Committee (presented by Jean Hall)

- Chair Hall updated the Executive Committee with the following stats:
 - Upcoming WebEx Rules Trainings:
 - April 6 – 7 and April 12 – 13
 - May 4 – 5 and May 11 – 12
 - June 8 – 9 and June 15 – 16
 - 2,300 people have been trained to date in FY '11.
 - Idaho and North Carolina received approval for technical and training assistance.
- Chair Hall reported a WebEx rules training session led by T. Marchand (NC) was recorded and is now available on the Commission's website. The 24/7 accessibility for training has received positive responses.
- Chair Hall reported the Training Committee will meet on April 14 to consider a legal training curriculum and potential 2011 Annual Business Meeting training sessions.

Rules Committee (presented by Gary Hartman)

- Chair Hartman reported the Rules Committee last met on March 16, 2011. The Rules Committee met telephonically five times and considered approximately 35 proposed amendments, primarily in Section 100.
- The Rules Committee is scheduled to meet again via WebEx on April 20 and May 18. A face to face meeting in Lexington will be scheduled in July or August.

Compliance Committee (presented by Dale Dodd)

- Chair Dodd reported the Compliance Committee met November 10 and February 23 to discuss dispute resolutions and non-payment of FY 2011 dues. He reported all disputes resolved and dues paid.

- A. Lippert reported the National Office received a request for assistance involving a Texas-Oklahoma case. Due to Oklahoma's failure to respond, a letter from Legal Counsel went to the Commissioner requesting a response within ten days to avoid potential enforcement action. Should Oklahoma not respond by April 1, the matter will be forwarded to the Compliance Committee for consideration and action.

Technology Committee (presented by Clarence Powell)

- Chair Powell reported on the recent collaboration between ICJ and the SEARCH group. The Technology Committee will schedule a meeting upon receipt of SEARCH's recommendations. Chair Powell proposed a timeline wherein recommendations from the Technology Committee will be forwarded to the Executive Committee and ready for presentation to the Commission at the 2011 Annual Business Meeting in October.
- A. Lippert projects an estimated \$200,000 available for funding the national data base system and proposed the following budgetary options:
 - Assess member states a one-time technology fee.
 - Do nothing and continue to increase reserves.
 - Borrow the funds.
 - Scale back and consider an online forms management system.
- T. Gregorie, Victims Ex-Officio, suggested an inquiry into the Bureau of Justice Assistance Federal Funding options for states to develop paperless systems. J. Hall (FL) spoke to the current paperless system and data base used by the Florida ICJ office. Chair Clark cautioned of modifying an existing system to fit another venue.

Victims Notification Ad Hoc Committee (presented by Cheryl Sullivan-Colglazier)

- Chair Sullivan-Colglazier reported the Victims Notification Ad Hoc Committee proposed to the Rules Committee an amendment to Rule 4-107 and was recommended for adoption by the Rules Committee. Additionally, a new supplemental form with instructions and an amendment to the travel permit form will be submitted for reconsidered at the next Rules Committee meeting.
- Chair Sullivan-Colglazier reported implications of victim notification to confidentiality, ICPC, and technologies have been discussed by the members.
- A special notifications list will be accumulated and forwarded to the Executive Committee for consideration prior to the 2011 Annual Business Meeting.
- Assuming passage of the recommendations, the next step will be working with the Training Committee to implement the new form and rule revisions.

{Break}

Region Reports

Region Representatives (presented by Summer Foxworth)

- Representative Foxworth reported the Region Representatives last met in November and opted not to meet in February. They plan to meet within the next two weeks to prep for their respective regional meetings regarding the ICJ /AAICPC Memorandum of Understanding.

West Region (presented by Summer Foxworth)

- West Region Representative Foxworth (CO) reported the West Region met on February 8th and February 15th to consider several rule proposals. A total of three definitions and two form proposals were approved and forwarded to the Rules Committee.
- The next meeting is scheduled for Tuesday, April 12, 2011 at 3:00pm EDT.

South Region (presented by Judy Miller)

- South Region Representative Miller (AR) reported the South Region has not met since the last Executive Committee meeting. She is in the process of planning a meeting to discuss the ICJ/AAICPC Memorandum of Understanding and Georgia.
- Representative Miller reported that she provides technical assistance throughout the region.

Midwest Region (presented by Rose Ann Bisch)

- Region Representative Bisch (MN) reported the Midwest Region met on January 12, 2011. The Region discussed status offenders, transfer of venue, holding non-delinquent juveniles, distribution of the annual report, and state councils. An issue discussed by the Midwest Region was warrants versus detainers. Representative Bisch proposed training on the topic for the Midwest Region.
- The next regularly scheduled meeting is April 13, 2011.

East Region (presented by Mark Boger)

- East Region Representative Boger (ME) reported the East Region met February 1, 2011 and held informative discussions in the absence of a quorum. Topics discussed included distribution of the ICJ annual report, state councils, ICJ visibility, the bench book and ICJ/AAICPC Memorandum of Understanding.
- The major issue the East Region discussed was detention of non-delinquent runaways. The issue appears to be widespread and increasing and may necessitate the formation of an ad hoc committee.
- The next Region meeting is scheduled for early May.

Executive Director Report (presented by Ashley Lippert)

Advisory Opinions

- A. Lippert reported the Advisory Opinion 03-2010 was moved to the archives as the opinion is no longer valid due to a revision in Rule 5-101.
- A. Lippert presented a new Advisory Opinion 01-2011 regarding HIPAA as requested by North Dakota.
- **S. Foxworth (CO) moved to approve Advisory Opinion 01-2011 as presented regarding HIPAA and requested by North Dakota. M. Boger (ME) seconded. The motion passed.**

New Commissioner Update

- A. Lippert updated the Committee that Ken Mysogland was appointed the new Commissioner for Connecticut. The ICJ National Office awaits the following official Commissioner appointments: Janice Yamada, Hawaii, Ted Forrest, Michigan, and Lisa Church, Utah.

Sex Offender Matrix Update

- A. Lippert reported the National Office will re-issue the annual Sex Offender Survey and update the matrix on the website. She noted not all states responded to survey last year.

2012 Annual Meeting Site

- A. Lippert presented a cost summary of the three approved potential sites for the 2012 Annual Business meeting. E. Goode highlighted each of the locations:

1. InterContinental, Kansas City, MO
 2. Hilton, Vancouver, WA
 3. Zermatt, Midway, UT
- The Committee discussed and compared the locations, facilities, and total costs. The Committee agreed to select the site and location with the lowest total estimated cost.
 - **D. Casarona (KS) made the motion to approve the InterContinental, Kansas City, Missouri as the choice location for the 2012 Annual Business Meeting. M. Boger (ME) seconded. The motion passed.**

2011 Annual Meeting

Agenda

- A. Lippert presented a draft agenda for the 2011 Annual Business Meeting, October 24-26, 2011 at Norfolk Waterside Marriott in Norfolk, Virginia. The agenda follows the same format as last year with the exception of an added meeting for the newly elected officers immediately following the General Session.
- D. Bonner, Past President Ex Officio, questioned the option of concurrent training sessions and suggested an ex-officio training session.
- A. Lippert advised that the Training Committee will discuss training topics at the next meeting.
- The Committee reviewed the time allotted for each report and agreed to approve.
- **J. Miller (AR) made the motion to accept the agenda as presented. J. Hall (FL) seconded. The motion passed.**

Ex-Officio Attendees

- A. Lippert reported that the Executive Committee approved reimbursement to 10 Ex-Officios last year. The remaining Ex-Officios were offered the opportunity to apply for a reimbursement scholarship to attend the 2010 Annual Business Meeting.
- D. Bonner recommended again inviting a representative of CJCA from the local area and the Committee agreed.
- D. Bonner recommended again inviting an OJJDP representative and the Committee concurred.
- **S. Foxworth (CO) made the motion to replicate the Ex-Officio invitation list from the 2010 Annual Business Meeting, to reimburse ten Ex-Officios and offer the remainder an opportunity to apply for a reimbursement scholarship. M. Boger (ME) seconded. The motion passed.**

Lunch

- A. Lippert presented the actual expenditures to provide lunch two days last year compared to the cost of reimbursement per diem for approved attendees only.
- J. Miller (AR) suggested providing lunch on the general session day.
- The Committee debated and the consensus was to extend the lunch time to allow attendees ample time for lunch at the local establishments of their choice.
- The Committee agreed to the cost savings per diem rate compared to providing lunch.
- **D. Dodd (NM) made the motion that the Commission not provide lunch during the 2011 Annual Business Meeting and that the approved agenda be modified to reflect the additional 30 minutes for lunch. C. Powell (MS) seconded. The motion passed.**

National Staff

- R. Masters advised that according to the ICJ statutes the Executive Committee should move to closed session for the discussion of personnel issues.

- **G. Hartman (WY) made the motion to move into Executive Session to discuss personnel issues. C. Powell (MS) seconded. The motion passed.**
{Closed Session}
- **G. Hartman (WY) made the motion to recess for lunch. D. Casarona (KS) seconded. The motion passed.**
{Lunch}
- **G. Hartman (WY) made the motion to remain in Executive Session. S. Foxworth (CO) seconded. The motion passed.**
{Closed Session}
- **G. Hartman (WY) made the motion to move out of Executive Session. C. Powell (MS) seconded. The motion passed.**
- **G. Hartman (WY) made the motion to approve a 3 percent salary increase correlated to a favorable performance evaluation to new employee, Jimmy Frazier, MIS Project Manager. S. Foxworth (CO) seconded. D. Casarona (KS) opposed. The motion passed.**
- **G. Hartman (WY) made the motion to approve a 2 percent salary increase correlated to a favorable performance evaluation to Jack Branum, Project Manager, and Emma Goode, Administrative and Logistics Coordinator. J. Hall seconded. D. Casarona (KS) opposed. The motion passed.**
- **G. Hartman (WY) made the motion to award Ashley Lippert, ICJ Executive Director, a 1.5 percent raise in the event of a favorable evaluation. J. Miller (AR) seconded. D. Casarona (KS), S. Foxworth (CO), J. Hall (FL), M. Boger (ME), R. Bisch (MN) and C. Powell (MS) opposed. The motion failed.**
- **D. Casarona (KS) made the motion to refrain from the award of a raise to Ashley Lippert, ICJ Executive Director, based upon the current economic environment and perception by states in the midst of cut backs, lay-offs, etc. S. Foxworth (CO) seconded. G. Hartman (WY), D. Dodd (NM) and T. Clark (PA) opposed. The motion passed.**

Legal Counsel Report (presented by Rick Masters)

Legal issues

- R. Masters reported all potential litigations issues relative to the non-payment of dues and dispute resolutions (with the exception of TX-OK) to be settled. He reiterated points from the Compliance Committee report relative to the non-responsiveness of Oklahoma.
- R. Masters spoke to the Oklahoma infrastructure disconnect and advised that a state's internal infrastructure does not release the state of its Compact obligations and subsequent compliance issues.

Georgia

- R. Masters reported that Georgia Deputy Compact Administrator and Legal Counsel have requested a letter regarding juvenile transfers after June 30, 2011 (expiration of the Transition Rule). R. Masters reported he has drafted a letter and a memorandum regarding the expiration of the Transition Rule. The documents address the legal and operational impact on subsequent transfers to and from non-member states.
- At the request of the Committee, the National Office will forward the letter and opinion memo to all ICJ Commissioners/Designees and post to the Commission's website.

Old Business

There was no old business.

New Business

AAICPC Annual Business Meeting

- D. Dodd (NM) questioned ICJ attending the April AAICPC annual business meeting in Minneapolis, Minnesota.
- A. Lippert clarified that R. Masters has been invited to attend at no cost to the Commission.
- Chair Clark advised he will not attend.
- The Committee considered and agreed to send Minnesota State Commissioner, Rose Ann Bisch. She agreed and will coordinate the logistics with the National Office.

Executive Committee Annual Face to Face Meeting

- D. Bonner, Past President Ex-Officio, suggested the Committee reconsider the time of year and location for the annual face to face Executive Committee meeting.

ICJ Website

- T. Gregorie, Victims Ex-Officio, requested a change to her profile on the ICJ website.
- The National Office will update the profiles and the website to be more user-friendly.

FY 2011 and FY 2012 Initiatives

- A. Lippert presented the current FY 2011 Initiatives. She highlighted accomplishments to date and their continued progression.
- A. Lippert presented for consideration proposed FY 2012 Initiatives. She highlighted line items in the areas of: Legislative Efforts, Technology, State Council Development, Training, and Administration.

Other

- D. Bonner, Past President Ex-Officio, commented on the “sunset clause” in Florida and California.
- C. Sullivan-Colglazier (WA) commented to the collective voice of the Probation/Parole groups with budget cuts.
- D. Bonner, Past President Ex-Officio, re-opened discussion relative to Georgia. The Committee discussed the transfer statistics of member states with Georgia and agreed that knowing the total activity with Georgia from each state would prove beneficial.
- At the request of the Committee, the National Office will issue a survey to request the data and report the findings to the Committee.

Adjourn

The next meeting of the Executive Committee is April 28, 2011 at 11:00 a.m. EST. **S. Foxworth (CO) made the motion to adjourn the meeting. M. Boger (ME) seconded. The meeting adjourned.**