



## INTERSTATE COMMISSION FOR JUVENILES

### EXECUTIVE COMMITTEE MEETING

#### *Minutes*

September 13, 2010

1:00 p.m. CST

Crowne Plaza Riverwalk

111 Pecan Street East

San Antonio, Texas 78205

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#### **Committee Members in Attendance:**

1. Donna Bonner (TX) Commissioner, Chair
2. Ray Wahl (UT) Commissioner, Vice Chair
3. Dennis Casarona (KS) Commissioner, Treasurer
4. Judy Miller (AR) Designee
5. Summer Foxworth (CO) Commissioner
6. Jean Hall (FL) Commissioner
7. Clarence Powell (MS) Designee
8. Mike Reddish (NE) Commissioner
9. Dale Dodd (NM) Commissioner
10. Lisa Bjergaard (ND) Commissioner
11. Terry Clark (PA) Designee
12. Gary Hartman (WY) Commissioner

#### **Guests in Attendance:**

1. Pat Pendergast (AL) Designee
2. Gloria Soja (MT) Designee
3. Helen Killian (OK) Designee
4. Carla Fults, AAICPC Representative

#### **ICJ Staff in Attendance:**

1. Ashley Lippert, Executive Director
2. Jack Branum, Project Manager
3. Emma Davis, Administrative and Logistics Coordinator
4. Rick Masters, Legal Counsel

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#### **Call to Order**

Chair D. Bonner called the meeting to order at 1:00 p.m. CST.

#### **Roll Call**

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

## Agenda

Chair Bonner asked for a motion to approve the agenda. **G. Hartman (WY) moved to approve the agenda. J. Hall (FL) seconded. The agenda was approved as presented.**

## Minutes

Chair Bonner asked for a motion to approve the minutes from the previous meeting. **S. Foxworth (CO) moved to approve the minutes of August 26, 2010. M. Reddish (NE) seconded. The minutes were approved as amended.**

## Executive Director Report (presented by Ashley Lippert)

A. Lippert, Executive Director, updated the Executive Committee on the following:

### *Annual Report*

- Five copies of the FY 2010 Annual Report were mailed to all Commissioners and Designees and one copy to Ex-Officios. States may request additional copies by contacting the National Office.

### *Advisory Opinion 05-2010: Undocumented Immigrants*

- The Executive Committee discussed the advisory opinion's applicability.
- R. Masters, Legal Counsel provided a brief explanation and clarification of the advisory opinion as issued by A. Lippert, Executive Director and himself.
- **S. Foxworth (CO) made the motion to approve *Advisory Opinion 05-2010: Undocumented Immigrants*. L. Bjergaard (ND) seconded. D. Dodd (NM) objected. The motion passed.**

### *Victims Representative Update*

- At the recommendation of the Pennsylvania State Council, A. Lippert presented Valerie Bender as a candidate for Ex-Officio Victim's Representative.
- T. Clark (PA) advised the Pennsylvania State Council highly recommended Valerie Bender whose previous experience includes the National Center for Juvenile Justice.
- At the request of the Committee, A. Lippert will acquire Ms. Bender's bio and collect additional candidates recommended by the Committee for presentation at the next Committee meeting.
- **R. Wahl (UT) made the motion to obtain vitas from recommended candidates for Victim's Ex-Officio and review all vitas during the next Executive Committee meeting. G. Hartman (WY) seconded. The motion passed.**

### *Change in Commissioner*

- California appointed a new Commissioner, Debbie Rives, and Marlon Yarber is under consideration for Designee appointment.

### *Dues for FY 2011*

- According to the Commission's Dues Collection Policy, delinquent notices are sent 90-days after the start of a state's fiscal year. There are seven states with a July 1 to June 30 fiscal year who may be issued notices if their dues are not received by September 30, 2010, they are: Arizona, California, Illinois, Arkansas, Maryland, Massachusetts, North Carolina, and Oklahoma.

### *Annual Meeting*

- Forty-five of the forty-six members are registered to attend the 2010 Annual Business Meeting in San Antonio, Texas in addition to six Ex-Officios and twenty-one other attendees.
- Designees attending without proper voting designation are: Arizona, California, Massachusetts, Vermont, and Louisiana. Tennessee will not be represented.

### *National Office Staff*

- **R. Wahl (UT) made the motion to move into Executive Session per Article III, Section 5 of the Compact to discuss staffing. G. Hartman (WY) seconded. The motion passed.**  
*[Note: All guests and 2 staff members left the room during the Executive Session.]*
- **R. Wahl (UT) made the motion to move out of Executive Session. D. Dodd (NM) seconded. The motion passed.**
- **R. Wahl (UT) made a motion to approve a 5% salary increase for Emma Davis, ICJ Logistics and Administrative Coordinator. G. Hartman (WY) seconded. Motion passed without objection.**

### **Committee Reports**

#### **Executive Committee** (presented by Donna Bonner)

- Chair Bonner commended the National Office Staff for their professionalism and hard work in preparation for the 2010 Annual Business Meeting and throughout the year.

#### **Finance Committee** (presented by Lisa Bjergaard)

- Chair Bjergaard reported the FY 2010 year end actual figures and FY 2011 July actual figures to date.
- Commission Treasurer D. Casarona noted that the healthy budget reflects the CSG recommended 25 percent reserve. He footnoted that the budget does not reflect the anticipated National System line item.
- The Committee discussed the dues formula and revenue changes relative to population in addition to states joining the Commission.
- A. Lippert mentioned that the Committee agreed to revisit the dues formula after the new census figures are released and all states confirmed membership.

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

- Chair Hall reported the 2010 Annual Business Meeting Training Sessions are ready to begin Tuesday morning and expressed her sincere appreciation to J. Branum for his assistance in the preparation.

#### **Rules Committee** (presented by Gary Hartman)

- Chair Hartman reported the Rules Committee met telephonically twelve times and in person once in 2010. The results going before the Commission in addition to the East Region rule amendments are 25 recommended rule amendments and mandatory/optional forms recommendations.
- M. Reddish (NE) questioned the procedure for presenting two amendments for one rule.
- R. Masters, Legal Counsel, advised of the protocol to approve and amend rules from the floor.

### **Compliance Committee** (presented by Summer Foxworth)

- Chair Foxworth reported the Compliance Committee did not meet last month as no new business had been presented. There was nothing new to report since the last meeting.

### **Technology Committee** (presented by Clarence Powell)

- Chair Powell reported the functional requirements document is available for review upon request.
- The IT Committee did not meet last month and there was nothing new to report.

## **Region Reports**

### **Regional Representatives** (presented by Terry Clark)

- Chair Clark reported the region representatives have not met since the last Executive Committee meeting and had nothing new to report.

### **East Region** (presented by Terry Clark)

- Chair Clark reported the East Region and the Pennsylvania State Council have requested that he advocate for the East Region rule amendments on the floor of the Annual Business Meeting.

### **South Region** (presented by Judy Miller)

- Chair Miller had nothing new to report for the region.
- The Committee discussed regional meeting agendas, the process to nominate officers and elect region representatives, and the order of succession to report out.

### **Midwest Region / ICPC Ad Hoc Committee**

#### *Midwest Region*

- Chair Reddish (NE) reported he would step down as the Midwest Region Representative.

#### *ICPC Ad Hoc Committee*

- Chair Reddish (NE) presented the latest revision of the ICJ-ICPC Memorandum of Understanding as amended by ICPC.
- At the request of the Committee, Carla Fults, AAICPC representative, answered questions relative to the MOU revisions proposed by ICPC.
- Carla Fults, AAICPC, expressed her sincere appreciation on behalf of ICPC to ICJ for developing the document and highlighted the ICPC revisions.
- J. Miller (AR) questioned the purpose listed for ICPC in Section I of the MOU.
- The Committee discussed and agreed the Memorandum of Understanding is a great start to strengthen the crossover working relationship with ICPC and is not intended to be all inclusive. The purpose of the MOU is to coordinate, to the extent possible, the roles and responsibilities of each party as they relate to the concurrent placement and supervision of a juvenile who transfers from one state to another.
- R. Wahl (UT) suggested that in dual cases if the juvenile is on probation or parole, the ICJ should take precedence. He further supported working with an approved MOU, but that it be revisited and refined after a period of time.
- **D. Dodd (NM) made the motion to approve the revised ICJ - ICPC Memorandum of Understanding. T. Clark (PA) seconded. J. Miller (AR) made a friendly amendment to Section I paragraph 1 to delete the words *placed for***

*private/independent adoption and in a residential treatment facility.* **D. Dodd (NM) and T. Clark (PA) accepted the amendment. The motion passed.**

- Chair Bonner informed the Committee of the revised language in Section I paragraph 2 from the August 26 approved version.
- **R. Wahl (UT) made the motion to amend Section I paragraph 2 to delete: *to determine the basis for modifying the Rules, Regulations and/or Forms* and add the language to the last sentence: *to determine: 1) the best plan of action regarding public safety and what is in the best interest of the juvenile, and 2) the basis for modifying Rules, Regulations and/or Forms.* M. Reddish (NE) seconded. The motion passed.**
- C. Powell (MS) questioned the necessity of a motion to review in one year.
- R. Masters, Legal Counsel, advised against a firm time limit as MOUs may be amended as deemed necessary.
- A. Lippert questioned the redundancy of the language in Section II (d) as it equated to Section V. The Committee agreed to the redundancy.
- **C. Powell (MS) made the motion to delete Section II (d) from the document. J. Miller (AR) seconded. The motion passed.**
- Chair Bonner noted in the ICJ August 26 approved MOU version, the extra word “Compact” following ICJ and ICPC was deleted throughout the document. It has re-appeared in the latest MOU version as submitted by ICPC.
- **R. Wahl (UT) made the motion to remove the word “Compact” following ICJ and ICPC throughout the MOU document. C. Powell (MS) seconded. The motion passed.**
- J. Miller (AR) questioned the ICPC practice relative to governing a referral should another compact be in place.
- Carla Fults, ICPC, responded the ICPC Statute addresses the issue.
- **R. Wahl (UT) made the motion to add the words “public/private” prior to child welfare agency in Section I paragraph 1. M. Reddish (NE) seconded. The motion passed.**
- R. Wahl (UT) noted his concern as to *Section III. ICJ Responsibilities* mirroring *Section IV. ICPC Responsibilities*.
- At the request of the Committee, the National Office will refresh and update the MOU to reflect the day’s approved amendments and coordinate with ICPC for agreement on the changes.

#### **West Region / Sex Offender Ad Hoc Committee** (presented by Dale Dodd)

##### *West Region*

- Chair Dodd reported Arizona is sending a representative to the 2010 Annual Business Meeting. The Region had nothing new to report since the last meeting.

##### *Sex Offender Ad Hoc Committee*

- Chair Dodd reported the Sex Offender Ad Hoc Committee’s work is complete.

#### **Legal Counsel Report** (presented by Rick Masters)

- R. Masters, Legal Counsel, advised to move into Executive Session to discuss litigation matters.
- **R. Wahl (UT) made the motion to move into Executive Session. S. Foxworth (CO) seconded. The motion passed.**

*[Note: All guests excused themselves from the meeting during the Executive Session.]*

- **R. Wahl (UT) made the motion to move out of Executive Session. J. Hall (FL) seconded. The motion passed.**

### **Old Business**

There was no old business.

### **New Business**

#### *Dual Roles*

- G. Hartman (WY) brought forth the topic of dual roles for Commissioners/Designees who represent their State while also serving the Commission in a leadership role. He suggested that the State in which the Commission Chair is elected be given the option of appointing a voting delegate.
- The Committee discussed the practice of the Commission Chair and others in leadership roles wearing two hats advocating for their state while administering the Commission leadership role.
- R. Masters, Legal Counsel, advised that the issue should subside in time and warned appointing a voting delegate may create more problems than it solves.

#### *Nomination of Officers and Region Chairs*

- D. Casarona (KS) brought forth the topic of the annual Commission Officers nomination process and elections.
- The Committee discussed options for presenting a nomination slate prior to the elections taking place at the Annual Business Meeting.
- **D. Casarona (KS) made the motion that beginning in 2011, the regions will present a nomination slate for Commission Officers to the National Office 60 days prior to the Annual Business Meeting. M. Reddish (NE) seconded. The motion passed.**

### **Adjourn**

The meeting was adjourned by acclamation at 4:03 p.m. CST.