



Interstate Compact for Juveniles  
First Commission Meeting  
12/16/2008 – Las Vegas, Nevada

**12/16/2008**

- Roll call and introductions
  - All member states present
- Representative Robert Damron of KY, Interim Chair, Interstate Commission, provided an overview of what to expect 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.
  - New Compact legislation 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 35<sup>th</sup> 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 with substantial responsibility.
  - The language of the Compact tasks the Commission with a variety of roles.
    - Some of these include setting rules, establishing committees, electing officers, and passing By-laws – Article Four.
- Mike pointed out that it is extremely important for Commissioners to take time to read and familiarize themselves with the Compact.
  - The Commissioners 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 By-laws and the adoption process.
  - The statutes that each member state has adopted authorize the By-laws.

- The By-laws do not go beyond the legal scope of the Compact.
  - They are taken 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.
- By-laws 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 By-laws.
  - Group will likely meet many more times through different means.
    - One month notice must be provided about a meeting.

Rick observed that the draft By-laws provided:

- Voting is on a “one state, one vote” basis.
  - Members must vote on their own behalf.
- Have preliminarily adopted Robert's Rules of Order.
  - Adoption of By-laws would mean accepting Robert's rules 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 be changed before adopting the By-laws.
- 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 By-laws.
  - The group had the opportunity 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 from the one in the proposed By-laws.
      - Rick let the group know that this has been an issue before and there is 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 might be appropriate to put in a provision to allow for voting by phone during times of travel restrictions.
        - Kevin McKenna of Rhode Island raised the issue about quorum in response to Rep. Damron's comment.
- Make Lacy from West Virginia motioned to adopt the By-laws.
  - Donna Bonner of Texas seconded.
- By-laws should be very generic in nature – rules making process allows things to get more specific.
  - Ray Wahl of Utah raised the point that we don't want to change to language of the By-laws.
    - May be better to table changing the By-laws 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).
    - Next amendment was Article II – adding language about the rights of parents.
      - Again, Rick Masters 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.
          - Mark Boger of ME recommended deferring to the establishment of the rules committee.
          - Missouri agreed with this.
    - Next amendment pertained to inclusion of regional representative as members of the executive committee.
      - Susan Morris of Oklahoma made the motion – Donna Bonner of Texas seconded
        - Members discussed placement of the language.
      - Suggestion to place this language as Article III.
        - This motion carried.
    - Motion that the amended By-laws be adopted was moved by Mike Lacy of West Virginia and seconded by Paul Gibson of Kentucky.
      - Motion passed unanimously – By-laws were adopted.
- Rick noted that during regional meetings, the group needs to select regional leadership and 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
  - Group stressed the need to make sure the meetings they have are viable.
  - Issue was raised about how to handle states that split probation and parole.
  - 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 Bjergaard (ND) – Midwestern Region
  - Primary focus was on setting agenda for rules committee. Other issues:

- How might the state of the economy influence 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
  - Talked about delinquent youth that are in treatment centers moving from other states.
  - Also talked with non-member states present about how to introduce legislation to join the Compact.
  - Other major issue discussed was the transition issue between member and non-member states.
    - Rick Masters is going to discuss this issue this afternoon.
  - Mr. Dodd noted that they did not discuss tribal issues, but pointed out it is an issue that affects western states as well.
- Judy Miller (AR) – DCA from Arkansas who will be attending on Commissioner Angel’s behalf.
  - 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 as an advisory role for the Compact operations in each state.

*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.
  - Between Commission meetings, the executive committee handles the day to day operations of the Compact.
- Article IV allows the formation of additional committees as the Commission deems necessary.
  - This is purposefully vague to allow the group some discretion.
- Mike recommended the group establish the following committees:
  - Executive Committee;
  - Finance Committee;
  - Rules Committee;
  - Compliance Committee;
  - Training, Education, and PR Committee; and
  - Information Technology Committee.
    - Mike asked the group to use the sign-up sheets at the back of the room– the hope is that each Commissioner will sign-up for at least two committees, ranking their priority.

- Mike asked the Commission to accept the committee structure.
  - Motion was made by Gary Hartman of Wyoming and seconded by Ron Angel of Arkansas.
    - Dale Dodd of NM raised the question about having a legal and By-laws committee.
      - Rick Masters noted legal issues could be addressed within specific committees and that By-laws probably did not merit this.
  - The 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 new Compact is active and in effect and in transition.
  - 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 will be complete.
- Because of that, Rick Masters recommends the adoption of transition rules to govern the group for the next year. They can be changed during the next 12 months.
  - Brent Buerck from Missouri raised the issue about spelling out the language about parental rights in Article II.
    - Rick was not sure if it was necessary to restate this as 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 Tennessee seconded.
- The group voted on the amendment to the transition rules.
  - Motion passed with one in opposition.
- The transitional rules were adopted.

*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.
- John Mountjoy discussed the Commission's finances.
  - The project is currently funded by OJJDP and is not permanent.
  - CSG staff will continue to provide services until the Commission is able to hire adequate staff.
- John Mountjoy discussed the dues formula, state assessment, state data cycle, and the annual budget.
  - The dues formula is the same one that is used by the adult Compact.
    - $(\text{state population}/\text{us population}) + (\text{state transfers}/\text{us transfers})/2$ 
      - The smallest assessments using the formula are found in the US territories and the largest are Florida, California, and Texas.
    - John Mountjoy recommended the group accept this dues formula.
      - Jean Hall of 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.
      - Also noted that dues are based on equity.
  - Dawne Gannon of SC raised the question about how costs might be controlled and contained in light of the current economic conditions.
    - John conceded that some assumptions were taken during the creation of the budget.
    - Some areas can probably be done without at this point.
      - The Compact cannot spend more money than it has regardless of what size budget is adopted.
  - Rep. Damron of KY advised that we need to vote on the dues formula f.
    - Jean Hall raised the question about when dues would be due first.
      - Especially a concern for states not working on the same fiscal year – raised earlier in the meeting by Donna Bonner.
    - Michele Holden of DE raised the question about what happens of a state cannot pay.
      - Rick Masters noted that some reasonable amount of time would be allowed and then it would be a compliance and enforcement issue.
    - Susan Morris of OK and Larry Callicut of ID both raised the issue about how to fund the project in the interim until dues begin to come into place.
      - The Commission may have to prioritize needs – 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 (this concern would be raised again during John’s presentation and eventually addressed during the meeting.)
  - Motion for current dues structure was made and seconded
    - Dues formula was adopted by a 76 to 24 percent margin
- Next item in John’s presentation was the state assessment.
  - The goal (all along) was to determine where the natural breaks in the data occur.
    - Created a tiered assessment for this purpose which was 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.
      - There will be opportunity to reconsider the breaks along with the various components that factor into the state assessments.
  - John asked the group to adopt this state assessment for FY ‘10 – which would provide the initial assessment.



- Harry Hageman from ICAOS noted that it would be difficult to duplicate the services provided by CSG.
- 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 and Mike Lacy of WV seconded.
  - Vote passed.

*State Council Development – Ashley Hassan and Harry Hageman, ICAOS*

- State Council can and should serve as a resource for the Commissioner.
  - Has the potential to be a real asset to the Compact – build a team.
  - 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 Calicut of Idaho also spoke about the development of their state council
  - 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 councils in any way they can.
  - 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.
  - 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.
  - 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 many different ways to involve the state council.
- Rick Masters did note that the State Council is part of each member state's obligations.
  - 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.

- 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.
  - John next outlined how he reduced the budget by about \$350,000.
  - The new budget laid out very clearly the indirect costs for secretariat services through CSG.
    - Would be 20% first year and 13.5% in subsequent years
  - This budget does not have a reserve fund or a technology fund
  - Sherry Jones of 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.
  - First requirement is that it likely needs to be web enabled.
- Also need to define your business process.
  - 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.
  - Always base contracts with a vendor on deliverables.
    - Know what will happen if the vendor cannot deliver.
- Then you have to know how to verify and maintain data.
  - It is essential to get good data.
- Need to know how to handle vendor delays and changes in scope requirements.
  - 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 of KY raised the question about how much data cleansing costs.
  - Will simply need to figure other ways to offset costs.
- Most of ICOTS training was done electronically.
  - 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.
  - ICOTS was a system that was five years in the making.

12/17/2008

*Old Business*

- Commissioner Jean Hall of Florida brought up the motion she made yesterday to amend Article I of the By-laws.
  - Wanted to ensure supervision of juveniles was mentioned in the By-laws.
  - 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 of 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 Calicut – ID
  - Paul Gibson – KY
  - Susan Morris – OK
    - Once again each person gave a brief speech
  - Larry Calicut of ID was elected the new Vice Chair and accepted
- Treasurer
  - Dennis Casarona – KS
    - Mr. Casarona was elected by acclamation 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 year’s annual meeting.
  - Many of the group would like to stay away from December date if possible. Asked for input.
    - 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.

- Chair Bonner asked for possible locations from the group for consideration by Executive Committee. 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 Director.
  - 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.
- 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 By-laws;
  - Elected regional representatives;
    - Lisa Bjergaard – ND
    - Terry Clark – PA
    - Dale Dodd—NM
    - Judy Miller – AR
  - Elected Officers;
    - Chair – Donna Bonner, TX
    - Vice Chair – Larry Calicut, 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 for FY ‘10 -- \$648,834;
  - Made State Council development progress; and
  - Voted to house Commission with CSG, pursuant to a secretariat agreement.