



ASSOCIATION OF JUVENILE COMPACT ADMINISTRATORS
2007 Mid-Year Meeting
February 28, 2007
Charleston, South Carolina

Meeting Minutes

Officers Present:

Michael Lacy, West Virginia, President
Ryan Pinto, Washington, Vice President
Cindy Pittman, Georgia, Treasurer

Secretariat:

Kristine C. Prince

Members Present:

Judy Miller, Arkansas*
Summer Foxworth, Colorado*
JoAnn P. Rohan, D.C.
Jean Hall, Florida
Alicia Ehlers, Idaho
Nancy Awolff, Idaho
Robert Champion, Indiana Probation
Gerry Prine, Iowa
Beth Meng, Louisiana
Mark Boger, Maine*
Cynthia Yim, Maryland*
Rose Ann Bisch, Minnesota
Julie Hawkins, Missouri
Kari Rumbaugh, Nebraska Probation
Linda Bowmer, Nevada
Dennis Wertz, New Jersey Probation

Dale Dodd, New Mexico
Pamela Helbling, North Dakota
Robyn Peterson, Ohio*
James Eakins, Oklahoma
Carol Gillespie, Oregon
Natalie Primak, Pennsylvania
Dawne Gannon, South Carolina
Willie L. Robinson, Tennessee
Donna Bonner, Texas
Shana Runyan, Utah
Letta Porter, Virginia
Randall Wagner, West Virginia
Lori Pendleton, Wisconsin

*Board Members

Guests:

Dr. Kathleen Hayes, Chief of Staff, South Carolina Department of Juvenile Justice
Larry Vanderbilt, General Counsel, South Carolina Department of Juvenile Justice
Don Blackburn, Executive Director, Interstate Compact on Adult Offender Supervision (ICAOS)
John Mountjoy, The Council of State Governments, Lexington, KY

1. **WELCOME**

President Lacy welcomed everyone to the Mid-Year Meeting in Charleston. He thanked Dawne Gannon of the South Carolina ICJ office for hosting the meeting. Cynthia Yim provided the invocation and led the group in reciting the Pledge of Allegiance. The Secretariat called roll. President Lacy asked each member to introduce him/herself to the group.

Dawne Gannon then introduced Dr. Kathleen Hayes, Chief of Staff, South Carolina Department of Juvenile Justice, who welcomed the group to Charleston. Larry Vanderbilt, General Counsel, South Carolina Department of Juvenile Justice offered a welcome to the group as well.

2. **AJCA BYLAWS COMMITTEE REPORT**

At the 2006 Annual Meeting, the membership asked the Bylaws Committee to draft a change to the Bylaws that would allow members who attended the Annual Meeting, but whose state had not yet paid their yearly dues, to have voting privileges if that member could show documentation that their state was in the process of paying those dues. Ryan Pinto presented a proposed change in language to the AJCA Bylaws under Article XII, Quorum and Voting:

Each party state and jurisdiction whose dues are current *or provides written documentation that current dues are in the process of being paid by their respective state agency* shall be entitled to one vote on all matters before the Association.

Written documentation that dues are in the process of being paid may be by Promissory Note, Financial Note, Purchase Order or other approved letter on respective agency letterhead. All written proof for voting entitlement must be approved by the Association President or designee prior to voting entitlement on Association matters.

Rose Ann Bisch (MN) suggested that more than one person should have to approve the written documentation.

After some discussion, members suggested changing the word “may” to “shall” in the first sentence of the second paragraph and the word “must” to the word “shall” in the second sentence of the same paragraph. It was agreed that this proposal will be presented to the membership at the Annual Meeting in August.

3. **RULES AND REGULATIONS COMMITTEE REPORT**

Paul Gibson reported that the Board and the Rules and Regulations Committee felt it was important to review with the membership the changes to the rule-making process outlined in Section 700, Adoption and Amendment of Rules, in the revised Rules and Regulations and he was asked to facilitate this presentation. Mr. Gibson carefully reviewed each step in the process:

Step 1: All proposed new rules and amendments to existing rules should be submitted to the AJCA office (defined as the AJCA President's home state) for referral to the Rules Committee in the following manner:

- (A) Any ICJ Compact Administrator may submit a proposed rule or rule amendment for referral to the Rules Committee during the AJCA Annual Meeting.
- (B) Standing ICJ committees may propose rules or rule amendments by a majority vote of that committee.
- (C) ICJ regions may propose rules or rule amendments by a majority of vote of the members of that region.

Step 2: The Rules Committee shall prepare a draft of all proposed rules and provide the draft to the Compact Administrators for review and comments. All written comments received by the Rules Committee on proposed rules shall be posted on the AJCA's website upon receipt (for 30 days).

Step 3: Prior to the AJCA voting on any proposed rule or amendment, the text of the proposed rule or amendment shall be published by the Rules Committee not later than 30 days prior to the meeting at which voting on the rule is scheduled on the official web site of the AJCA. Each proposed rule or

amendment shall state the place, time and date of the scheduled public hearings (which will be scheduled the day preceding the first day of the Annual Meeting).

Step 4: Every public hearing shall be conducted in a manner guaranteeing each person who wishes to comment a fair and reasonable opportunity to comment.

Step 5: The AJCA shall, by majority vote of a quorum of the Compact Administrators, take final action on the proposed rule or amendment by a vote of yes/no. The AJCA shall determine the effective date of the rule, if any, based on the rulemaking record and the full text of the rule.

Upon determination that an emergency exists, the AJCA may promulgate an emergency rule that shall become effective immediately upon adoption, provided that the usual rulemaking procedures provided in the compact shall be retroactively applied to the rule as soon as reasonably possible, in no event later than 90 days after the effective date of the rule. An emergency rule is one that must be made effective immediately in order to meet an imminent threat to public health, safety or welfare; prevent a loss of federal or state funds; meet a deadline for the promulgation of an administrative rule that is established by federal law or rule; or protect human health and the environment.

4. KENTUCKY TRANSITION PLAN

Paul Gibson had mentioned in a Board meeting that he has been working on a document outlining how the new compact would be implemented in his state and the Board asked him to present it at the Mid-Year meeting as an example for other states. He distributed his transition plan document and discussed each step. Nancy Awolff (Idaho) commented that her state has already convened a State Council and offered to share her transition plan with other states. John Mountjoy (The Council of State Governments) reported that there is a document on the CSG website which will help states put together their plans as well.

5. LESSONS LEARNED: ADULT INTERSTATE COMPACT

Don Blackburn, Executive Director, Interstate Compact on Adult Offender Supervision (IACOS) was asked by the Board to discuss the challenges and issues that the adult compact has faced since its enactment in 2002.

Mr. Blackburn began by discussing the structure of the National Commission; the duties of the commission and the commissioners who form the commission; the executive committee; how the IACOS office was organized; the structure of state councils; the adoption and enforcement of rules and regulations, the legal foundation for interstate compacts in general, rulemaking power, the goals of the compact and the outcome of recent litigation involving IACOS and the states of Tennessee and Pennsylvania. He also discussed the role of the IACOS general counsel; the dispute resolution process; and how the national office was organized. Mr. Blackburn also addressed the problems getting their new national information system up and running and the hope that the juvenile system will be able to "piggyback" onto their information system. He handed out copies of the most recent IACOS annual report.

Mr. Blackburn then answered questions from the membership and made the following suggestions for the juvenile system to keep in mind during their transition period:

- Build into the dues structure an automatic inflation rate and an amount for other costs which go up

- yearly because it is very difficult to go back later and ask states for more money.
- It is not a good idea to give the National Commission Chair the authority to appoint other committee chairs who form the Board. This allows a chairperson to control the Board.
- Stagger terms on the Executive Board.
- Keep a “legal reserve” of 25% of the Commission's net income
- It is imperative that national commissioners know what their duties are. They should be encouraged to bring their deputy compact administrators with them to the commission meetings so that they will have the input of someone who does the work of the compact on a day-to-day basis. It is imperative for the successfulness of the commission to have both types of representatives in attendance: commissioners who have the authority to make decision on behalf of their states and practitioners (DCA's) who have the experience in managing the compact.
- Make sure that state councils are formed right away. It is recommended that state councils have advisory and not oversight authority.
- In thinking about training, he strongly suggested the use of WebX so that each state is trained from one source. The “train the trainer” concept did not work well for them.
- Work with the judiciary in your state. Once judges are trained and understand that the compact is federal law, they are usually willing to support the compact. Putting a judicial representative on your state council is imperative.
- Request advisory opinions from your executive director.
- Coordinate the implementation of compact rules and the national data base system.
- Get adequate staffing. If you are understaffed now, you will be understaffed under the new compact as well. If you are adequately staffed now, the current staffing should be sufficient under the new compact. This is one important area where the state council is imperative to the successfulness of the compact in your state. Educating state councils is very important.
- Think about adding some ex-officio (non voting) members to your state council from agencies that have a stake in the outcome.
- The adult national commission rewrote every single rule which, in retrospect, was a mistake. This was a massive undertaking and it took too long.
- Convene a compliance committee that can monitor compliance of all states with the compact. The enforcement power of the new adult compact is working well.
- Information Technology: there are very few vendors who know the corrections business and are experienced at interfacing and putting state information technology systems together. The adult system has had some problems, but are hoping to have their system up and running in the last part of 2007.

All in all, Mr. Blackburn said he thinks the new adult compact is progressing in a good place. The infrastructure is in place to solve problems and he feels they are better off now than they were four years ago under the old compact. President Lacy thanked Mr. Blackburn for his presentation.

6. DISPOSITION OF AJCA ASSETS

President Lacy brought up the topic of how the financial assets of the Association should be disposed of when the new compact is enacted and the new national commission is formed. One member suggested that because the Association is a non-profit 501(c) organization, there may be certain rules in place about how those assets can be disseminated. The group decided that this was a question for which legal counsel was needed and referred it to the Board for a legal opinion

7. OTHER BUSINESS

President Lacy updated the membership about two situations of interest:

(A) He reported that he sent a letter to James Tilton, Secretary, California Department of Juvenile Justice and Corrections, regarding the continuing problems with the California ICJ office and the fact that California is not complying with the Interstate Compact. No response has been received from Secretary Tilton as of this date. The Board has decided to send a certified letter to Secretary Tilton with certified copies to the Governor and the Attorney General, asking Secretary Tilton if he plans to respond. If he does not respond, the Board will take the matter to the next higher level.

(B) Although the members voted to hold the 2007 Annual Meeting in San Diego, the Board has decided not to proceed because doing so would require the President to sign a legally binding contract with a hotel that would result in depleting the entire treasury of the Association if the Annual Meeting had to be cancelled due to the passage of the new interstate compact. Because passage of this new legislation is highly likely before August, the Board felt it was more prudent to prepare to hold the Annual Meeting at The Council of State Governments office in Lexington, Kentucky. CSG has offered its space free of charge with no contractual obligations. There are several hotels within a mile of CSG's offices and since the Association would not be reserving meeting space and food costs, there would be no contract involved with the hotel either. The Kentucky ICJ office has agreed to host this meeting which has been scheduled for August 7-10, 2007.

There being no further business, the meeting was adjourned until tomorrow.

Minutes approved by the Executive Board April 19, 2007