

MINUTES OF THE NEW MEXICO JUVENILE JUSTICE ADVISORY COMMITTEE

Thursday, June 16, 2022

10:00 AM

Via ZOOM

In respect of Secretary Vigil's time, Chair Trujillo asked Secretary Vigil if she would like to address the Committee now, while the Committee waits to establish a quorum to continue with the meeting. Secretary Vigil agreed with this approach. The summary of Secretary Vigil's remarks is included below under item VI.

- I) **Call to Order at 10:29 a.m.: - Anthony Trujillo, Chair**
- II) **Roll Call for Quorum: - Cindy Varela, Grants Management Unit Manager**

A quorum was established at 10:30 a.m., with the following members present: (The Roll Call for Quorum was done at the conclusion of Secretary Vigil's remarks.)

Members Present

Anthony Trujillo	Keryl Work	May Sagbakken
Hon. Alan Kirk	Sarah Gettler	Anna Maria Marshall
Albino Garcia, Jr.	Tom Swisstack	Hon. Angie Schneider
Ted Lovato	Ron West	Danielle Trujillo
Tina Harris		

Members Absent

Oscar Gonzalez	Helen Cheromiah	Roshanna Toya
Michelle Torres	Ruben Barreras	Joel Hamilton
Moneka Stevens	Jenavieve Salas	

Guests in Attendance

Herbert Strassburg	Ranisa Smith	Rebecca Armstrong
Yossie Nieblas	Richard Lindahl	Jeremias Silva
Nora Lovato	Ruth Dirmeyer	Devon Hoffman
Nick Costales	Martha Youts	

Staff in Attendance

William Kearney	Louis Pacias	Bianca Padilla
Cindy Varela	Patti Vowell	Consuelo Garcia
Samantha Rendon	Melissa Gomez	Jeff Young
Michael Prinz	Jeanne Masterson	Kim Mangan
Carolyn Casillas	Erika Meadows	A.M. Sandoval
Richard Johnson	Margie Miller	

- III) **Welcome and Approval of Agenda:**

Chair Trujillo welcomed all in attendance.

Approval of Agenda: Chair Trujillo called for a motion to approve the Agenda. Judge Kirk so moved. Mr. Ted Lovato seconded the motion. Chair Trujillo requested amending the Agenda by adding approval of the By-Laws edits under item VIII, Chairman Update, and asked if there were any objections to this amendment. There were none. Roll call vote taken by Ms. Cindy Varela. Motion carried unanimously.

- IV) **Approval of Minutes – April 21, 2022:**

Chair Trujillo called for a motion to approve the minutes. Judge Kirk so moved. Ms. Sarah Gettler seconded the motion. No discussion was offered. Roll call vote taken by Ms. Cindy Varela; motion carried unanimously.

- V) **Reading of Race Equity Statement: Chair Anthony Trujillo.**

Chair Trujillo asked for volunteers to read the Race Equity Statement at each subsequent JJAC meeting. Chair Trujillo then read the Race Equity Statement.

- VI) **Remarks by Hon. Barbara J. Vigil, CYFD Cabinet Secretary**

Secretary Vigil introduced herself and reviewed her personal history and background in juvenile justice once again, for the benefit of Committee members who may not have had the opportunity to hear her when she addressed the Committee previously.

Secretary Vigil shared her thoughts regarding CYFD and its relationship with JJAC and how the department might support JJAC

moving forward, and that her goal as the Cabinet Secretary for CYFD is for the department to be a support to JJAC and its work, not a barrier. Secretary Vigil noted that she is in the process, working with her team, Mr. Kearney, and others, of gaining an understanding of how the department can really serve the purposes of JJAC, its Strategic Plan and goals.

Secretary Vigil shared that she is looking forward to having the CYFD team function in a fully supportive and helpful role for JJAC. In order to facilitate this Secretary Vigil noted that she has assigned a member of the Office of General Counsel (OGC), Mr. Michael Prinz, who is in attendance today, to JJAC. Secretary Vigil added that Mr. Prinz is a lawyer she has known for several years, having first met during her tenure on the New Mexico Supreme Court, and that Mr. Prinz has now joined the Office of General Counsel at CYFD. Secretary Vigil stated that Mr. Prinz will be available to JJAC to provide guidance and support in its work and will be attending the regular JJAC meetings. Secretary Vigil then asked Mr. Prinz if he would like to address the Committee. Mr. Prinz greeted the Committee and gave a brief overview of his background, noting that he has been an attorney in New Mexico for a little over 13 years, in a variety of roles, most recently with the City of Santa Fe for the past four years, and now with CYFD for the past four months. Mr. Prinz shared that a large part of his experience has been related to matters concerning DHS and Behavioral Health, infrastructure issues and contracts. Mr. Prinz closed by stating it was nice to have this opportunity to meet the Committee members.

Secretary Vigil stated once again that she was available for a few minutes for questions or comments from the Committee. Mr. Albino Garcia, Jr., shared with Secretary Vigil that he was pleased with her comments with regard to system improvement, which will not come about without system change. Mr. Garcia then stated that since his appointment to JJAC, specifically in his role as the Chair of the System Improvement Subcommittee, he has not felt supported by CYFD, particularly with regard to the staff assigned to JJAC. Mr. Garcia explained that there have been barriers, decisions have been made contrary, communication is not done transparently, giving the example of his questions pertaining to the source of certain information regarding comments or thoughts that were made, and this information has not been provided to him, so there is much work to be done in this aspect. Mr. Garcia noted that he spoke to the Judicial Conclave yesterday and stated to them that he is unapologetically an enemy of institutional racism and structural racism, and that there are elements of these in all of the systems, and very much within CYFD, and this does not come without tension. Mr. Garcia gave the example of how long it took to get the Racial Equity Statement formed and passed here in JJAC, and recently had an "Undoing Racism" training approved. Mr. Garcia described the work in this regard as a long-distance run, not a 50-yard dash and things are just now at the starting line. Mr. Garcia called Secretary Vigil's attention to the official invitation list for today's meeting, noting that of the 54 invitees, 39 are part of CYFD, demonstrating an imbalance of inclusion of community and other stakeholders who are not " beholden or tied directly to CYFD". Mr. Garcia continued by saying that he does not want to be seen as a "constant rabble-rouser", but that he really wants to influence system change and reduce structural racism through this Committee.

Secretary Vigil thanked Mr. Garcia for his comments, and stated that she embraces these fully. Secretary Vigil stated that one of the things that could be done better, at all levels of the child welfare system, is to be cognizant of institutional racism and be proactive in addressing this as well as disproportionate minority contact in the system and with families. Secretary Vigil welcomed this conversation, however, she felt that this was not the right moment, and reassured Mr. Garcia that she would be reaching out to him to discuss how CYFD can support JJAC in this effort and to carry forth JJAC's vision and the vision of its members. Secretary Vigil commented that this is the reason each member of JJAC is here, to bring their particular life experience and perspective to the work of JJAC, and that CYFD should not be a hindrance to the vision of the individual members or the vision of JJAC, and should provide an avenue to support the accomplishment of that vision through the Committee's goals and Strategic Plan, further stating that CYFD is here to serve the Committee, and this is her goal. Secretary Vigil stated that she is looking forward to working with Mr. Garcia specifically on minority involvement in the child welfare system and juvenile justice system through JJAC, as well as other avenues.

Judge Kirk expressed his continued concern with respect to the lack of draw down on the reverted funds. Judge Kirk noted that now seems to be the time to get aggressive in this endeavor, just coming out of the pandemic, because every time funds are lost through the Legislature because these funds are not being expended, it is a detriment to the youth of New Mexico. Judge Kirk stated that three years ago he had made the suggestion that an additional \$1.5 million be drawn down per year to be made available to the Continuums, in order to stop choking off funding to the Continuums. Judge Kirk commented that even if an additional drawn-down is proposed to try to access these funds, they will still not be available until 2024, and noted that the budget process begins in September, so now is the time to become aggressive in this and he would greatly appreciate Secretary Vigil's support in this effort. Secretary Vigil thanked Judge Kirk for his comments and that she has been meeting with the CYFD team to understand the process for allocating funds to the communities. Secretary Vigil agreed that it does not do anyone any good to have these funds sitting in the coffers, and they need to be paid to treatment providers and programs across the State

to serve the youth of New Mexico. Secretary Vigil explained that she will be sitting down with Mr. Kearney and others to examine this process to find ways to streamline the grant process to ensure that this funding is used for the purposes for which it is intended, and to try to make it easier for the local communities to access this funding and use it, and that she is absolutely supportive of this effort. Secretary Vigil thanked Judge Kirk for his comments and all of his work through the years helping the youth of New Mexico.

Mr. Ted Lovato echoed Judge Kirk's position, stating that the funding needs to be made available to help youth and their families much more quickly through the service delivery model, and that he believes Secretary Vigil to be the one to make that happen. Mr. Lovato noted that he has worked with Secretary Vigil for many, many years and that she cares about the youth and families and recognizes the importance of providing services to them. Mr. Lovato expressed his appreciation that Judge Vigil is now part of the team as the new Secretary of CYFD, and that he is confident she will be able to "make things happen". Secretary Vigil thanked Mr. Lovato for his support.

Secretary Vigil stated that her office is open to the suggestions and ideas from the Committee members, noting that there may not be agreement on everything, but she does want to hear the issues of concern from the Committee members. Secretary Vigil commented that the Committee members are volunteers serving with a commitment to improve the lives of New Mexico youth and that their input is invaluable. Secretary Vigil stated once again that CYFD, as a public agency, is there to serve the members of JJAC, and this is her goal as Secretary of the Department, which will be shared within the agency, and she will ensure that this is carried out. Secretary Vigil commented that there is a lot of work to do and there are a lot of dollars to be used for communities and youth, especially those youth that represent a higher minority sector in the juvenile justice system. Secretary Vigil expressed the need to make sure that the funding allocated to this grant fund is used to ensure that these young men and women have opportunities to succeed in New Mexico, and that she stands before this Committee today, committed to making that easier to accomplish, rather than more difficult, and that she believed she was leaving the Committee in good hands with Mr. Prinz from the Office of General Counsel and she will be checking in with staff and identifying ways to facilitate the grant process so that the funding gets out into local communities and programs for youth. Secretary Vigil again thanked each Committee member for their commitment to serving the youth of New Mexico, and that together she believed a difference could be made to improve the lives of these young adults. Secretary Vigil thanked Chair Trujillo and the members of the Committee for the opportunity to speak today and expressed her appreciation for their hard work and commitment. With that Secretary Vigil expressed her need to leave the meeting.

Chair Trujillo thanked the Secretary for her words of encouragement and support, which validates the good work this Committee has been doing, especially over the past year, in particular the development and implementation of the Strategic Plan. Chair Trujillo noted that the Secretary's remarks give the Committee great encouragement to continue what has been started, and thanked the Secretary for taking the time to address the Committee today.

Secretary Vigil thanked Chair Trujillo and thanked the Committee for the opportunity to speak today.

VII) CYFD General Counsel Report – Jeff Young/Michael Prinz

Mr. Young commented that Secretary Vigil very eloquently expressed their support of JJAC, and the Office of General Counsel is happy to support and provide legal support in this work. Mr. Young stated that they examined the Executive State Statute 9-2a-14, regarding JJAC, in addition to a few subsequent Statutes, as well as the Federal law, the Juvenile Justice and Delinquency Prevention Act, which outlines the function of JJAC as an advisory body to CYFD, which is the overall state administrative agency, and that JJAC is also the supervisory body under the act with respect to certain functions. Mr. Young stated that subsequent to this examination the Office of General Counsel believes they are consistent and in agreement with this approach, and that the Office of General Counsel is happy to support JJAC with legal guidance and advice as necessary, giving the example of reviewing the recent changes to the By-Laws. Mr. Young asked Mr. Prinz if he had anything to add to these comments and stated they would be happy to take any questions. Mr. Prinz stated he had nothing further to add, but echoed Mr. Young's comments and that they are here to work collaboratively with JJAC to build or perhaps re-build a better relationship with the Committee.

Mr. Garcia asked if the primary client for the Office of General Counsel is CYFD. Mr. Young responded that that is correct, that they represent CYFD as an organization, and there are six attorneys within the office of the OGC who serve in various roles including juvenile justice, behavioral health, contracts, federal grants, etc., covering a very broad perspective. Mr. Garcia then stated that he "is not CYFD" and then asked if he could be a client of the OGC. Mr. Young replied that the OGC represents CYFD and its "arms", and that JJAC is an "arm" or ancillary part of CYFD, so OGC represents the body, but not individual members, and any issues brought before the body would be reviewed by OGC and guidance would be provided regarding those issues. This would include legal support regarding questions raised pertaining to actions taken or recommendations made by JJAC as a body

to CYFD. Mr. Young asked if this answered Mr. Garcia's question, to which Mr. Garcia responded, "No, not really". Mr. Garcia described his disagreement with a request for changes to the By-Laws and his question regarding who he should seek out for legal advice, with an answer coming from the OGC, however, since Committee members are not CYFD staff or employees, who should they go to for legal advice if their complaint might be in reference to an issue with CYFD directly. Mr. Garcia continued by saying that this is a conflict of interest to seek legal counsel from the same office that represents the agency with which he might have a complaint. Mr. Young described the process of submitting a complaint through the Board process for OGC to review and provide advice to the Committee on the matter, which is the primary role of OGC. Mr. Young then stated that if there were a complaint about a CYFD employee or something of a similar nature, there are several ways to address that; one would be before the Committee itself, another would be to submit this to the Secretary of CYFD, as she stated in her previous remarks today her willingness to address any concerns, and there is also the mechanism of going through the Governor's Office, since Committee members are appointed by the Governor. Mr. Young continued by saying that the OGC, as the legal advisors to CYFD and JJAC, would not be an arbiter or make decisions regarding complaints, but they would certainly offer legal advice based on what the law or pertinent regulation states. Mr. Young also stated that individual Committee members could certainly seek outside counsel, but for JJAC as a whole, the OGC wants to provide support and the opportunity to weigh-in on any legal questions that arise.

Mr. Garcia asked Judge Schneider to comment as she had voiced the same question previously. Judge Schneider noted that she had been the Chair of another advisory group to CYFD on the Protective Services side, from which she has now stepped down, but that group had Counsel through the Attorney General's Office because it also is an advisory body appointed by the Governor, and in her mind, JJAC would be no different. Judge Schneider also stated that she does not view JJAC as an ancillary body to CYFD, as the members serve by appointment of the Governor, not the Secretary of CYFD, with no disrespect to the Secretary. Judge Schneider voiced her agreement with Mr. Garcia that as an advisory, and in some capacities a supervisory body it seems illogical to her that the Committee would seek legal guidance from the attorney(s) representing the body that the Committee is advising and providing, in some sense, a supervisory function to. Judge Schneider agreed that there would certainly be instances in which it would be beneficial to seek guidance from the OGC through CYFD, however, there would also be times when JJAC may take a position that is contrary to that of CYFD and in those instances, it would be illogical to seek legal guidance from the same agency they are advising and supervising. Mr. Young thanked Judge Schneider for her comments. Mr. Young noted that this had also been his initial reaction to the situation and that the OGC has also consulted with the Attorney General's Office and the Governor's Office of Boards and Commissions, and after discussion with them and examining the State Statute, JJAC falls under the CYFD Statute, under the umbrella statute, and it is clear within the Statute that there are certain functions for JJAC and CYFD, with CYFD ultimately being the fiscal agent under federal and state law and is responsible for the administration of the funds as well as the program and the plan, and there should not be a conflict under this construct. Mr. Young then stated that if there is a belief that there is a conflict with the OGC they are certainly open to having another counsel weigh-in, giving various examples that have occurred previously, which in some cases were resolved internally, through the AG's office, through contract counsel or other mechanisms. Mr. Young offered that if there is a perceived conflict in connection with JJAC's work that concern should be raised with Mr. Prinz and the OGC will resolve that conflict immediately, to step back from that issue. Judge Schneider thanked Mr. Young for his comments.

Judge Schneider then shared her goals as a JJAC member with respect to getting funds out to the communities for the resources that are so greatly needed and how she believed that JJAC is definitely on the same page with the Secretary in this regard, and how hopeful she is that this will be accomplished. Judge Schneider did share, however, that there could be a time when JJAC's position might conflict with that of the Secretary, so it is reasonable to know what the course of action to resolve this would look like should that occur. Judge Schneider added that she is in agreement with Mr. Garcia with respect to the seriousness of systemic racial inequity within the child welfare system, the judicial system, and virtually every system, and the steps toward resolving this certainly could lead to some tensions surfacing. Judge Schneider again thanked Mr. Young for addressing these concerns.

Chair Trujillo referred to Mr. Young's outline of the process for resolving these types of issues and asked Mr. Young if he could provide that information in written form. Mr. Young affirmed that he could do so.

Mr. Lovato asked for a point of clarification, asking if concerns from individuals and/or subcommittees would first go through the Chair of the subcommittee and/or through the Executive Subcommittee before progression to legal counsel. In other words, if he were to have a concern, he would take it to the Executive Subcommittee Chair and/or the Chair of his Subcommittee for discussion and progression through the chain of authority, since individual concerns might be general concerns of others, but could also be an isolated concern to the individual. Chair Trujillo agreed that this raises a good point, however, he is not certain

this is outlined specifically, but his preference would be to follow the pattern Mr. Lovato described. Mr. Lovato stated he would hope that resolution and representation could be attained within the Committee in a manner that is objective in the presentation to outside parties, be it the AG's office, the Secretary's office or the OGC. Chair Trujillo again agreed with Mr. Lovato's suggestion for this process. Mr. Garcia agreed that it would be good to find out if there is a stated policy in this respect, and if there is none to pursue formulating and adopting a formal process.

Chair Trujillo informed Mr. Young that the Committee will be voting on the edits to the By-Laws that the OGC has already reviewed. Chair Trujillo then stated that there was one part that kept coming up and Mr. Young's office had clarified, however, Chair Trujillo wanted to review this with the full Committee before the vote, that being the question of designation of a proxy, and that the vote of the proxy does count in decision making, as outlined in the By-Laws, and the appointment of a proxy also counts toward the quorum for a meeting. Chair Trujillo asked Mr. Young to ascertain if this was correct. Mr. Young responded, that yes, this was correct. Chair Trujillo thanked Mr. Young for that clarification. Mr. Lovato asked if a proxy could only be another Committee member within JJAC. Chair Trujillo affirmed this. Chair Trujillo again thanked Mr. Young for his comments and welcomed Mr. Prinz in his role as liaison to JJAC.

VIII) Chairman Update – Anthony Trujillo, Chair

Chair Trujillo referred to the edits to the By-Laws to be voted on today and asked Mr. Kearney to screen share those, noting that all members should have a copy in their meeting packets. Chair Trujillo entertained a motion to approve the By-Laws as edited. Judge Kirk moved to approve, seconded by Mr. Lovato.

Ms. Sagbakken stated she had not received any meeting invitation or board member packet in advance and has had to request this information, so she has not seen the edits to the By-Laws previous to today's meeting. Chair Trujillo noted that this copy of the edits to the By-Laws went out several months ago. Ms. Sagbakken replied that she understands this, but since she did not see the Agenda for today, she did not have time to look back for them. Chair Trujillo asked Mr. Kearney if a copy could be provided to Ms. Sagbakken. Mr. Kearney noted that these go back to the February meeting, and these are being screen-shared for review. Mr. Kearney read through the edits as shown on the screen-share. Ms. Sagbakken thanked Mr. Kearney for this review. Mr. Kearney apologized to Ms. Sagbakken for her not receiving the meeting information and stated that he will review and update the distribution list to make sure she receives future meeting information.

Mr. Garcia asked if the appointment for a proxy for a Chair is different from the appointment of a proxy for a member. Chair Trujillo noted that the By-Laws read that the Subcommittee members would select another one of the Subcommittee members to serve as Chair in the absence of the appointed Chair. Mr. Garcia observed that this would appear to be the removal of authority from a Chair, in that a Chair cannot assign their own proxy as equal to another JJAC member. Mr. Garcia asked why the assignment of a proxy for a Chair is less than that for a Committee member. Chair Trujillo replied that he was having a hard time understanding Mr. Garcia's question. Mr. Lovato offered the explanation that any JJAC member can identify a proxy in their absence, regardless of their role or responsibility. Chair Trujillo agreed. Mr. Lovato continued, saying that his understanding is that when it comes to the role of a Chair of a Subcommittee or the JJAC Chair, there are designated individuals that the JJAC Chair would appoint as proxy should the Chair of a Subcommittee or the Chair of JJAC not be available for a meeting. Chair Trujillo stated that his understanding is that he can appoint a proxy for himself, which would be limited to his vote, but it would not be to replace him as Chair of the meeting, which would be the responsibility of the Vice-Chair. Chair Trujillo continued that it is stated in the By-Laws that with regard to the Subcommittees, the Subcommittee members themselves would choose a Subcommittee member to Chair the meeting in the absence of the appointed Chair. Chair Trujillo asked Mr. Kearney to screen share that portion of the By-Laws for review. Chair Trujillo read that portion of the By-Laws from the screen-share, which confirmed the previously stated process. Mr. Garcia stated that there is a different protocol for assigning the proxy for a Subcommittee Chair, and he does not understand why this is so, that he should be able to assign his proxy as long as it is another JJAC member. Chair Trujillo noted that a proxy CAN be assigned for a members vote, but an individual member cannot assign a proxy for their chairmanship of a Subcommittee. Ms. Gettler commented that it is certainly appropriate for the other members of a Subcommittee to choose a proxy for the Chair of the Subcommittee from their members, because the Chair of a Subcommittee is a little different than a regular Committee member when they are representing their Subcommittee. Chair Trujillo stated that this was what was discussed when this wording was decided upon. Ms. Gettler agreed that this was the process undertaken in the Executive Subcommittee as these edits were being formulated and these edits were agreed to by all in that Executive Subcommittee meeting. Mr. Garcia interjected, "Not all". Judge Kirk gave the example that all of the Subcommittee Chairs serve at the pleasure of Chair Trujillo, who assigned the Subcommittee Chairs to their positions, therefore a Subcommittee Chair would need the concurrence of Chair Trujillo for them to assign an acting Chair for their Subcommittee, since Chair Trujillo made the initial appointment. Judge Schneider asked to make a distinction, noting that a proxy is someone

who carries someone's vote at a regular JJAC meeting, which is completely different than a Subcommittee Chair being unable to attend the Subcommittee meeting, and having someone else run that meeting. Judge Schneider commented that it makes sense to have another member of a Subcommittee act as Chair of the Subcommittee meeting since the members of the Subcommittee will be familiar with the work of the Subcommittee and the processes involved with that. Mr. Garcia gave an example of past proxy assignments of people who were not JJAC members, and now the language has changed stating they must be a JJAC member and if you are the Chair of a Subcommittee, it now must be someone who is on the same Subcommittee. Mr. Garcia then restated the situation that initiated the process of re-examining and editing this portion of the By-Laws. Mr. Garcia stated that he understands this now and is okay with it, with clarity, that a Chair now has the authority to assign his proxy to run the Subcommittee meeting in their absence, as long as they are a member of the Subcommittee. Mr. Garcia then asked for affirmation of this description. Chair Trujillo clarified that the proxy vote can be assigned to any member of JJAC, but a Subcommittee Chair cannot assign their own Chair replacement. Judge Schneider restated the process once more, that a proxy for a member's vote can be assigned to another JJAC member for a regular JJAC meeting, but the second issue is someone to Chair a Subcommittee meeting when the appointed Chair cannot attend, but there is no need for a proxy vote in the Subcommittee meeting. Judge Schneider stated it would make more sense for the Subcommittee Chair to call one of the Subcommittee members and ask them to Chair the meeting in their absence, and that these are two separate, very distinct issues. Chair Trujillo commented that he understands what Judge Schneider is saying, but this is not the wording in the By-Laws. Judge Schneider stated she thought the vote was concerning the By-Laws and that this was the discussion regarding these edits. Chair Trujillo stated that if an amendment to the By-Laws was to be entered into that would be a completely different process. Mr. Lovato asked if Judge Schneider was requesting an amendment to the By-Laws stating the Chair of a Subcommittee can elect to nominate or select another individual in that Subcommittee to run a meeting rather than the existing language which states that the Subcommittee members themselves would identify an individual to run the meeting. Judge Schneider stated she did not make a formal amendment, but there is currently a motion to adopt the By-Laws, and if that fails then she could make an amendment, but procedurally the motion must be voted on first. Judge Kirk clarified that there was a second and if Judge Schneider wished to make a friendly amendment, then the vote could move forward. Judge Schneider asked to make that friendly amendment with the acceptance of the Chair, the friendly amendment being to have someone fill-in as Chair, to facilitate the Subcommittee meetings, Article 7, under Subcommittees, that it is amended to allow the Chair to appoint another member of the Subcommittee to Chair. Mr. Lovato asked to make a change to the friendly amendment to read "or" rather than "and", in other words, the Subcommittee or the Chair can identify an individual, in the event the circumstances or situation of that Chair or Subcommittee might be unknown at the time the decision needs to be made. Judge Schneider stated she did not object to this change. Judge Kirk stated he did not have a problem with this amendment.

Chair Trujillo restated that there is a motion and a second, with the friendly amendment, and called for the vote on the edits to the By-Laws. Roll call vote conducted by Ms. Varela. Motion carried unanimously.

IX) JJAC Subcommittee Updates

a) **Executive Subcommittee Update – Anthony Trujillo, Chair**

Covered under Chairman Update above.

b) **Board Development Subcommittee Update – Sarah Gettler, Chair**

Ms. Gettler reported that the Subcommittee has met three times since the last full JJAC meeting and that they welcomed Bianca Padilla and Tina Harris attending the last Subcommittee meeting, and will be working closely with them on how to do better onboarding and training for youth members of JJAC. Ms. Gettler shared that the Subcommittee is still working on their portion of the Three-Year Plan, as well as looking for ACEs training. Ms. Gettler also said the Subcommittee hopes to meet in person for the first time in September and they are looking forward to that and stated this concluded her report.

c) **Grants & Programs Subcommittee Update – Judge Alan Kirk, Chair**

Judge Kirk began with the current Continuum funding expenditures noting that there are two more billing cycles remaining, and at present expenditures are at 64% with a goal to try to get over 80%, and hopefully expenditures will get close to that goal. Judge Kirk noted that there are several Continuums that have done really well this year and others that have fallen a little behind with referrals, programming, etc. Judge Kirk stated that by the end of these next couple of cycles there will be a better idea of what the amount of reverted funds will be. For the next year, Judge Kirk reported that the estimated budget is a little over \$2.4 million for funding of the Continuums, and within that, there were five Continuums that were given the opportunity for a 25% increase in their contracts for the coming year, and those contracts are currently in process. Judge Kirk reported that there is \$200,000.00 for the upcoming year which

will be made available at this time, with short-cycle or interim funding, which by the process will take effect after 90 days, so this would be put in place for September as far as the application process for that, and he encouraged the Continuums which feel they have a need and can identify that need to start working on that and get prepared. Judge Kirk stated that of the contracts out right now there are 18 contracts, six of which are still outstanding to be approved, implemented and returned to CYFD, so those are in process. Judge Kirk noted that the Subcommittee met this week and had a good discussion about what makes a successful Continuum, examining the elements that create a successful environment for a Continuum, which should be an ongoing discussion. He expressed the need to explore the possibility of putting together a model, based on this discussion, in the hopes of making all the Continuums successful. Judge Kirk shared that one of the elements of a successful Continuum was that the fiscal agent for that Continuum was engaged in the community and with the Continuum Board, as well as the Coordinator, and in those situations, it seemed that the Continuums were flourishing and very active. Another element that surfaced during the discussion was the collaboration between the Coordinator and the service providers in the community. Judge Kirk commented that there are a lot of other good points to be shared and he encouraged the Continuum Coordinators that are in the meeting today to examine where their successes are and perhaps there would be a way to put those together for the Leadership Committee for the Coordinators to see if this would help bolster some of those areas, which could be really helpful.

Judge Kirk reported that the third application process for the Native American funding is underway and that there has been some difficulty in generating interest in that, but he is unsure of the process for this, however, Staff has been working hard to accomplish this.

Action Item: Recommend that CYFD draw down \$2 million from Funds Balance to develop new sites and increase funding to current sites.

Judge Kirk referred to his previous comments during the exchange with Secretary Vigil regarding the reverted fund balance, noting that three years ago he had asked, in discussions with the Executive Committee and the full Committee, that there should be a draw-down of \$1.5 million for three years which would effectively start reducing the reverted fund balance, but this was not done and instead, the draw-downs have been \$400,000.00 and \$600,000.00 through the CYFD budget process, and the issue that exists is that by the time this Committee gets interested or starts asking what can be done for the next year it is too late. Judge Kirk expressed his surprise that it has taken him 10 years to learn this, but the CYFD budget process begins in September, and the Committee has previously started discussions in November and December with respect to how to deal with the reverted fund balance, and by then it is too late, so it is time for the Committee to get aggressive in addressing the situation. Judge Kirk noted that the Committee members are all aware of the issue and know that local communities need these funds, however, the process seems devastating since any action taken today or recommendation made to CYFD today will not take effect until July 1, 2024, which also puts things in a difficult position with the Legislature this coming January since more funds will be reverted this year and the fund balance will increase, which would make it appear that the communities do not need this funding and there will be risk once again of losing these funds.

Judge Kirk then moved that JJAC recommend to CYFD that during the next budget process there be a draw-down of an additional \$2 million from the reverted fund balance to be made available to the communities as soon as possible. Mr. Lovato seconded the motion.

Mr. Swisstack asked Judge Kirk if this includes incentivizing groups to begin to develop sites that might be a “one-stop-shop” for communities, so youth and families are not getting “bounced around”. Mr. Swisstack continued by describing the possibility of five or six programs that work together under one umbrella or as close to one umbrella as possible. Judge Kirk replied that this is simply a recommendation and in discussion with the CYFD Budget Office a form will have to be filled out which would identify the need for the funding and what the plan for the funds will be, which seems to open the possibility for something such as Mr. Swisstack described. Judge Kirk described the issue at present being an inability to access the funds and expressed the possibility of Chair Trujillo organizing a Subcommittee to identify how to use the funds in order to facilitate completion of this form. Judge Kirk stated his belief that the door is open at this time, that there is youth in great need and how he is embarrassed that this funding is not being used, but that there could be all sorts of incentives and different types of programs that could be identified for funding. Judge Kirk noted that one of the biggest issues with the Continuums is that referrals are down, making it difficult to get youth into the programs, but he has seen good success in the past by having a case management program, and he believes the Coordinators could have greater success if they had assistance in the area of case management and getting youth into the programs. Judge Kirk agreed that the idea voiced by Mr. Swisstack is a good one and something that needs to be

vetted. Judge Kirk stated that he believed this additional funding could be identified and utilized in such a way to effectively get the funds into the communities. Judge Kirk invited the input, information and collaboration of the Coordinators in this regard, as well as the fiscal agents.

Judge Kirk reiterated that now is the time to be aggressive, noting that this situation has been ongoing for at least the last ten years and the Committee has not been able to formulate a process that has adequately made an impact on the reverted fund balance. Mr. Garcia raised the question of quantity versus quality, noting that numbers have gone down for services across the state, which has inadvertently provided more time for those youth who are receiving services, thereby increasing the quality of those services. Mr. Garcia asked if there was a way to change the emphasis from quantity to quality, noting that this could make a tremendous difference. Mr. Garcia then challenged the motion process, stating that there was no pause between the motion being made and the second, to allow for discussion. Judge Kirk agreed with Mr. Garcia on the point of quantity versus quality and the need for capacity building. Judge Kirk clarified the process for the motion, noting that the sequence is that a motion is made, the second is made and the discussion follows the second, but deferred to Chair Trujillo regarding this. Chair Trujillo agreed that this is the proper sequence regarding a motion, and that this was discussed and clarified at a previous meeting. Chair Trujillo called for any further discussion and there was none offered.

Chair Trujillo called for the Roll Call vote which was conducted by Ms. Varela. Motion carried with one abstention by Ms. Tina Harris, who joined the meeting late.

Action Item: Ensure all Continuums have the opportunity for funds via a Short Funding Cycle

Chair Trujillo asked Judge Kirk about the additional Action Item listed on the Agenda under this Subcommittee and Judge Kirk replied that there wasn't a need for an Action Item as he had not gotten any questions about the short-cycle funding and this was to make sure that the Continuums understood that there would be a process that 90 days after July that there will be \$200,000.00 available and the Subcommittee will be examining the needs and getting this out to the communities in need of this.

d) Planning & Legislative Subcommittee Update – Judge Angie Schneider, Chair

Judge Schneider reported that this Subcommittee has met twice since the last JJAC meeting, and they have finalized the questions for their listening sessions with all of the Continuums. The plan is to hopefully schedule these sessions on June 21st and 22nd, and the Subcommittee members will then meet on June 23rd to have a debriefing session on these. Judge Schneider stated they will also be conducting a short debriefing at the end of each of the listening session days. Judge Schneider encouraged the participants in these listening sessions to be honest and there will only be members of the Subcommittee participating and she will be excusing herself from the sessions involving Lincoln and Otero Counties due to her role related to those Continuums, and they will also be mindful of those kinds of conflicts that might affect other Continuums. Judge Schneider also shared that Mr. Richard Lindahl will be participating in as many sessions as he is able. Judge Schneider expressed the Subcommittee's hope that these sessions will yield some candid information about good things that are happening, things that the Continuums feel are working well, in addition to things that are challenging and frustrating to the Continuums. Judge Schneider noted that there is one Continuum that has given up their contract, that being Otero County, and she hopes to be able to gain information such as Judge Kirk has outlined moving forward in order to hopefully develop a model of what a Continuum site should look like and to develop some trainings and other tools to achieve the objectives that have been discussed.

Judge Schneider asked Mr. Kearney if she had omitted anything. Mr. Kearney added that the Planning and Legislative Subcommittee did collect the Work Plan drafts from the other Subcommittees to start the consolidation, balancing time frames, etc., with those Subcommittees in order to head toward finalizing the Work Plan. Chair Trujillo thanked Judge Schneider for this report.

e) System Improvement Subcommittee Update – Albino Garcia, Jr., Chair

Mr. Garcia reported that the Subcommittee has met every month since the last JJAC meeting, with the exception of this past week, which was due to some schedule conflicts, however, their work has continued. The Subcommittee has been in contact with the group that is offering the "Undoing Racism" training and all of the information has been sent to Mr. Kearney. Mr. Garcia asked Mr. Kearney what the process for this is moving forward. Mr. Kearney stated that he has turned this over to Ms. Vowell, since she works with the Subcommittee, and she is working through the information and putting together a scope of work that can be responded to in order for it to be put out to bid. Mr. Garcia expressed his appreciation to the Committee for agreeing to this training. Mr. Garcia again noted the members of the Committee

who have already participated in this training, that being Chair Trujillo and Vice-Chair Judge Schneider, as well as Ms. Moneka Stevens. Mr. Garcia shared that he has again been offered some openings for the training at no charge, which are half-day sessions, and if any Committee member is interested, they can contact him for the dates these will be available. Mr. Garcia shared that this organization is providing training for the Albuquerque Public Schools and the invitation is to that training session.

Judge Schneider encouraged the other Committee members to participate in this training as she found it to be time well-spent, very thought-provoking, and easy to participate in. Judge Schneider then asked Mr. Garcia about a larger or longer session that was mentioned when she participated in the training and if there would be an opportunity to access this larger training. Mr. Garcia stated that the larger training could certainly be made available, however, due to the time constraints of the Committee members as a whole, the current plan is to provide the “Appetizer” training, which is the shorter, more condensed version of the training, and that this is actually an introduction to the “deep-dive” of Undoing Racism that Judge Schneider is referring to, which is a three-day session. Mr. Garcia stated that he would leave it up to the rest of the Committee to decide if they are interested in the three-day session after having participated in the condensed version. Mr. Garcia informed Judge Schneider that in the meantime he could get her a scholarship to the three-day session if she is interested. Judge Schneider thanked Mr. Garcia for this offer.

Mr. Garcia gave an update on the internal assessment and interview schedule. He then asked what the current membership number of the Committee is. Mr. Kearney answered that the current membership is now 21. Mr. Garcia then noted that of the 21 Committee members five have been assessed so far, which includes Chair Trujillo, Judge Schneider, Judge Kirk, Mr. Lovato, and Ms. Stevens. Mr. Garcia stated that the plan is to reach out to each of the remaining Committee members, based on their availability, and that the assessment takes approximately one hour. He hopes to have all of the assessments done by late Fall in order to hopefully have a report for the December meeting, and if that is not possible then in early 2023. Mr. Garcia noted that prior to the Committee approving this assessment CYFD staff members had been instructed to not participate in this assessment or the administration of the assessment, however, now that the Committee has approved the assessment, he would like to request that Ms. Vowell assist with the rest of the interviews and help the Subcommittee finalize the interviews, as she would be a tremendous asset in this regard. Mr. Garcia then stated that he is making this request as it has never been clear to him what the limits of CYFD staff support to the Subcommittees are.

Mr. Garcia commented that the Albuquerque Justice for Youth Community Collaborative has offered to do a workshop or panel at the Equitable Results Engagement (ERE) and if this does occur, he invited the Committee members to attend, noting that he would like for Committee members to meet members of the Collaborative.

X) Open Board Member Discussion:

Judge Schneider reported that during the Judicial Conclave there had been an extraordinary presentation on Transgender Cultural Fluency provided by the Transgender Resource Center. Mr. Garcia noted that this organization is a member of the Albuquerque Justice for Youth Community Collaborative, and representatives from this group would be on the panel if they are invited to the ERE training, he mentioned previously. Judge Schneider also noted that Mr. Garcia had participated in the Children’s Court Judges training session she was responsible for that precedes the Judicial Conclave, and how powerful that presentation was, and expressed her thanks to Mr. Garcia for that.

Mr. Garcia encouraged Committee members to be on the lookout for any Juneteenth activities in their respective communities, noting that this has grown in awareness and acceptability in recent years.

Chair Trujillo noted, as mentioned by the Secretary and others, that in regard to exploring avenues with respect to the funding situation, there has been a small Subcommittee designated, consisting of Judge Schneider and Judge Kirk to work with him, and that the Secretary has contracted with Mr. Richard Lindahl to assist in this process. Chair Trujillo asked Mr. Lindahl to introduce himself and give a little information about the process at hand. Mr. Lindahl introduced himself and noted that in years past he served in the position currently held by Mr. Kearney, and retired from CYFD in 2009. He then shared that recently he was asked by CYFD to enter into a limited contract, working to help JJAC itself and the local Continuums, and also with respect to the relationship between JJAC and the Continuums. Mr. Lindahl noted that he has already met with Chair Trujillo and Vice-Chair Judge Schneider, as well as several meetings with some of the Continuum Coordinators, and will continue this. Mr. Lindahl described his role as probably brief and how he wanted to make sure that JJAC, the Continuums, and CYFD work hand-in-hand together, just as Secretary Vigil stated at the beginning of the meeting. Mr. Lindahl commented that he was in Mr. Kearney’s position when the Continuum Statute was passed and he worked on this legislation with former Legislator Jeanette Wallace,

from Los Alamos, who is now deceased, as well as Mr. Tom Swisstack, so he is very familiar with the Statute and its intent. He noted how much he liked Judge Kirk's comment earlier, "we need to get money out the door to serve the kids of New Mexico", and he has had a conversation with Secretary Vigil about that and she is in full support of this. Mr. Lindahl reiterated that just as Chair Trujillo and Vice-Chair Judge Schneider have said, he is here to help, and he is going to help the Committee itself to make a path forward toward making this happen. Mr. Lindahl acknowledged that there are many people on the call today that he has worked with in the past, also noting that Chair Trujillo has served on the Santa Fe Continuum Board for many years and is well aware of the local perspective and that there is a great need to maximize community participation in the work of the Continuums as this was the original intent of the Continuum Statute, to give maximum input from the local Continuum. Mr. Lindahl thanked the Chair for the opportunity to address the Committee and that he will be attending future meetings as well as meeting with Mr. Kearney and others, expressing that he just wants to be of help. Chair Trujillo thanked Mr. Lindahl for his comments and for "taking the challenge", and welcomed him to the work of the Committee.

XI) Federal Update – William Kearney

Mr. Kearney reported that the Title II Formula Grant 2022 application with the Justice Department was released in early June and staff is starting to work on this. It is the second year of the three-year cycle, and is due by August 2nd. Mr. Kearney updated the group that CYFD is still awaiting the FFY 2021 funding, even though that Application was done a year ago. States are working through technical modifications to their compliance manuals. CYFD resubmitted their compliance manuals in late May and is awaiting word on OJJDP's acceptance of the NM compliance manual.

Mr. Kearney shared that JJAC youth member Tina Harris was selected by the Center for Coordinated Assistance to States (CCAS), the technical assistance provider to the Office of Juvenile Justice and Delinquency Prevention, as one of two interns chosen from across the country. Mr. Kearney shared how her internship will address youth engagement projects. The intention is that local Continuums would be able to benefit from her work on how to engage youth, as well as have benefits at the JJAC level, in addition to helping other States. Ms. Harris thanked Mr. Kearney for his introduction to her new position and commented on how she will be able to tie in her work with other youth advocacy groups into this experience. She described the possibilities of incorporating social media and communication to interest and enlist more youth in this work and how excited she is to have this opportunity. Mr. Kearney expressed his congratulations to Ms. Harris for her selection for this national internship. Chair Trujillo and others all joined in congratulating Ms. Harris. Chair Trujillo also thanked Ms. Harris for representing the New Mexico JJAC.

XII) Continuum Coordinator Update – Rebecca Armstrong, Torrance County Coordinator

Rebecca Armstrong noted that she is the Continuum Coordinator for Torrance County and would be doing the Coordinator update. She noted Coordinators are wrapping up the end of the fiscal year activities, including contract activities and deliverables, invoices, final reports, minutes, agendas and reversal explanations. Ms. Armstrong commented June is a very busy month for Coordinators.

There have been some recent changes in Coordinators and the Continuum website is being updated to reflect these. Ms. Armstrong noted she has taken over working with Grants Management Unit staff and the Sales Force team with JJ Grant Portal-related issues, attending the CYFD and MTX meetings held twice a month, and helping test changes and improvements.

Coordinators participated in a Mental Health First-Aid for Youth certification training held on April 13th and 14th, from 10:00 a.m. to 2:00 p.m. via ZOOM, and hosted by the Torrance County DWI Program. Twenty-two people in attendance, including 10 Continuum Coordinators, 4 CYFD staff, a public defender from District 2, as well as seven county partners. Ms. Armstrong shared that the Coordinator Leadership Team is looking at a training on A Trauma-Informed Justice System, to be provided by the Administrative Office of the Courts. The Leadership team would also like to offer two more trainings for FY 2023.

Lastly, Ms. Armstrong shared that Coordinators continue to present what is going on in their different Continuums at their monthly meetings, and this will continue in the coming year from Continuums that they have not heard from yet.

Chair Trujillo thanked Ms. Armstrong her and all of the Coordinators for their "on-the-ground" work and dedication.

XIII) Public Comment:

Chair Trujillo asked for a member to read the Race Equity Statement at the next meeting; Judge Schneider volunteered.

Chair Trujillo asked Mr. Kearney to provide a copy of the newly edited By-Laws to all of the Committee members. Mr. Kearney affirmed that he would do that.

Chair Trujillo also asked Mr. Kearney to explore having the next JJAC meeting on August 18th to be a "hybrid" meeting, with

available members meeting in person, and the rest joining by ZOOM. Mr. Kearney agreed to work with Chair Trujillo on this.

XIV) Adjournment:

Chair Trujillo called for a motion to adjourn. Mr. Swisstack moved to adjourn; Judge Schneider seconded the motion. Roll call vote was taken by Ms. Varela. Motion carried unanimously. The meeting was adjourned at 12:19 p.m.

The next proposed meeting to be held on Thursday, August 18, 2022

Possibly hybrid In-Person and ZOOM

Minutes Approved on (date):

Anthony Trujillo, Chair

Draft - Pending JJAC Approval