

**MINUTES  
OFFICE OF JUVENILE AFFAIRS  
BOARD OF DIRECTORS**

**January 11, 2007**

**BOARD MEMBERS**

Present: Jay Keel  
George Lindley  
Edward Smith  
Linda Ware Toure (arrived at 10:07 a.m.)  
Lonelia Simmons

Absent: Charlie Jackson  
Gary Taylor

**PRESENT FROM THE OFFICE OF JUVENILE AFFAIRS**

Gary Bolin, Dorothy Brown, Kevin Clagg, Gene Christian, Laura Drexler, Jeff Gifford, Donna Glandon, Dennis Gober, J Lynn Hartman, Wayne Johnson, Linda McLennan, Amber Miller, Len Morris, Robert Morey, Rick Olderbak, Kim Sardis, Denise Stewart, Elizabeth Stewart

**OTHERS PRESENT**

Shawn Black, Dee Blose, Ellen Harwell, Kindy Jones, Richard Mann, Myron Mayberry, Kenny Monroe, Nancy Morin, Susan Morris, Kerri Shadid, Earline Smith, Ginger Spear

**CALL TO ORDER**

Chairman Lonelia Simmons called the January, 2007 Meeting of the Board of Directors of the Office of Juvenile Affairs to order at 10:00 a.m. at the Office of Juvenile Affairs State Office, 3812 N. Santa Fe, Suite 400, Oklahoma City, OK 73118

Chairperson Lonelia Simmons read the Office of Juvenile Affairs Mission Statement.

**STATEMENT OF COMPLIANCE WITH THE OPEN MEETING ACT**

Linda McLennan, Board Secretary, confirmed the Board of Juvenile Affairs is in compliance with the Open Meeting Act.

**INTRODUCTION OF GUESTS**

Mr. Gene Christian, Executive Director introduced guests Ms. Ellen Harwell, Liaison from the Oklahoma Commission on Children and Youth, Kerri Shadid from *The Journal Record*, and Shawn Black. Director of the Oklahoma Association of Youth Services.

**PUBLIC COMMENTS**

Ms. Dee Blose, Executive Director of Youth and Family Services, El Reno and Vice-President of the Youth Services Board of Directors. Ms. Blose made comments on behalf of the OAYS Board of Directors. Ms. Blose said she wanted to say "Thank You" to OJA. Thank you very, very much for the significant progress made between OAYS and OJA.

Ms. Susan Morris, Executive Director of Youth and Family Services, Shawnee and also Chairman of the State Advisory Group Board. Ms. Morris made comments on behalf of the SAG Board. She gave written information to the OJA Board Members regarding set-up of the State Advisory Group. A conflict has

developed between SAG and the Department of Central Services. DCS has issued a ruling that the Volunteers of American contract should be cancelled. As a result of that ruling, the SAG Board has requested talks with DCS. DCS did meet with OJA SAG staff. In terms of putting together grant applications, if the SAG member is associated with any of those applications, they can no longer just abstain on that application, they cannot be involved at all in the application process. At the present time, only two members of the SAG Board would be able to help with the application process if the ruling is validated.

DCS also states the scoring of the applications must be done in secret, in Executive Session, rather than in an open meeting and the names of those receiving the grants cannot be released by anyone other than DCS. This, however, violates the Open Meetings Act. Ms. Morris asked for help from the OJA Board in dealing with these decisions from DCS.

#### **DISCUSSION REGARDING THE FUNCTION OF THE STATE ADVISORY GROUP (SAG) AND SAG REQUEST FOR AN ATTORNEY GENERAL'S OPINION.**

Mr. Christian addressed the issue. To date, there are still concerns regarding the actual question to be asked in requesting an Attorney General's opinion. The issue is: "Are the members of SAG prohibited, either by state statute or constitution, from sitting on the SAG Board and then being a grant recipient. There may be a legal implication, but there may also be just an appearance that is improper or impropriety that should be guarded against. This would be a policy decision and will be presented to the OJA Board at a later time. The SAG is asking, "Tell us what the legal ramifications are or are not. Can it be cured by recusal?" The issue is can members of the SAG Board be involved in the RFP or contract and then be able to bid on the contract? It is not only a validation of state statute policy but also a violation of the fact that "you knew in advance".

Mr. Christian stated he would visit with the SAG Board with the help of legal council to look at the issues and determine what the actual question to the Attorney General should be. Mr. Christian will also meet with DCS to determine all of their concerns.

If this issue is not resolved, during the next awarding of these grants, it will be brought to OJA Board's attention those members sitting on the SAG Board and also receiving grants. At that time, it would be a policy decision the OJA Board would be asked to make. The question from SAG is: "Is it policy or law that says that it can't be done?"

#### **ACTON ITEMS**

#### **DISCUSSION WITH POSSIBLE ACTION TO ELECT A NEW CHAIRPERSON FOR THE BOARD OF DIRECTORS FOR CALENDAR YEAR 2007.**

MOTION BY EDWARD SMITH WITH SECOND BY JAY KEEL TO ELECT CHARLIE JACKSON AS CHAIRPERSON FOR THE BOARD OF DIRECTORS FOR CALENDAR YEAR 2007.

MOTION PASSED

Voting Aye: Jay Keel  
George Lindley  
Edward Smith  
Linda Ware Toure  
Lonelia Simmons

#### **DISCUSSION WITH POSSIBLE ACTION TO ELECT A NEW VICE-CHAIRPERSON FOR THE BOARD OF DIRECTORS FOR CALENDAR YEAR 2007.**

MOTION BY EDWARD SMITH WITH SECOND BY LINDA WARE TOURE TO ELECT GEORGE LINDLEY AS VICE CHAIR FOR THE BOARD OF DIRECTORS FOR CALENDAR YEAR 2007.

MOTION PASSED

Voting Aye: Jay Keel  
George Lindley  
Edward Smith  
Linda Ware Toure  
Lonelia Simmons

**DISCUSSION WITH POSSIBLE ACTION TO APPROVE THE DECEMBER 8, 2006 BOARD MEETING MINUTES.**

MOTION BY LONELIA SIMMONS WITH SECOND BY EDWARD SMITH TO APPROVE THE BOARD MEETING MINUTES OF DECEMBER 8, 2006 AS PRESENTED.

MOTION PASSED

Voting Aye: Jay Keel  
George Lindley  
Edward Smith  
Linda Ware Toure  
Lonelia Simmons

**DISCUSSION WITH POSSIBLE ACTION REGARDING THE SAG FEDERAL FORMULA GRANT CONTRACT WITH THE VOLUNTEERS OF AMERICA OF OKLAHOMA, INC.**

Stricken from the agenda.

**DISCUSSION WITH POSSIBLE ACTION TO APPROVE THE UPDATES AND REVISIONS TO RULES TITLE 377, OFFICE OF JUVENILE AFFAIRS.**

MOTION BY EDWARD SMITH WITH SECOND BY LONELIA SIMMONS TO ADOPT TITLE 377, CHAPTER 1 AS PRESENTED WITH VERBAL AMENDMENTS AS FOLLOWS:

(2) Division of Community-based Youth Services. The Division of Community-based Youth Services operates under the authority of 10 O.S. § 7302-3.3, 7302-2.2, 7302-3.5 and 7302-3.6a.

(7) ~~Community Services Division~~ Juvenile Services Division. ~~The Community Services Division shall be responsible for all community-based services.~~ The Juvenile Services Division shall be responsible for intake, probation, and parole services, supervision and placement of juveniles.

Add: (g) (37) Designating Youth Services Agencies; and  
(38) Adopting the State Plan for Youth Services Agencies.

377:1-1-12. ~~Deputy Director~~ Chief of Staff of DJJ OJA (Amended)

~~The Deputy Director Chief of Staff of the Department of Juvenile Justice Office of Juvenile Affairs shall serve as the Chief Administrative Assistant to the Executive Director of the Office of Juvenile Affairs, Head of the Department of Juvenile Justice. The Deputy Director shall direct activities of the Department of Juvenile Justice and ensure that all statutory mandates related to DJJ are executed. As the administrator of services to juveniles adjudicated delinquent, in need of supervision, or youthful offender, the Deputy Director shall ensure the programs set forth in Title 10, O.S., § 7302 3.1(C) and § 7306 2.11 are in place.~~

MOTION PASSED

Voting Aye: Jay Keel  
George Lindley  
Edward Smith  
Linda Ware Toure  
Lonelia Simmons

MOTION BY JAY KEEL WITH SECOND BY LONELIA SIMMONS TO ADOPT TITLE 377, CHAPTER 3 AS PRESENTED.

MOTION PASSED

Voting Aye: Jay Keel  
George Lindley  
Edward Smith  
Linda Ware Toure  
Lonelia Simmons

MOTION BY LINDA WARE TOURE WITH SECOND BY LONELIA SIMMONS TO ADOPT TITLE 377, CHAPTER 5 AS PRESENTED.

MOTION PASSED

Voting Aye: Jay Keel  
George Lindley  
Edward Smith  
Linda Ware Toure  
Lonelia Simmons

MOTION BY EDWARD SMITH WITH SECOND BY JAY KEEL TO ADOPT TITLE 377, CHAPTER 10 AS PRESENTED.

MOTION PASSED

Voting Aye: Jay Keel  
George Lindley  
Edward Smith  
Linda Ware Toure  
Lonelia Simmons

MOTION BY EDWARD SMITH WITH SECOND BY JAY KEEL TO ADOPT TITLE 377, CHAPTER 15 AS PRESENTED WITH VERBAL AMENDMENTS.

Mr. Morey provided documentation of the suggestions and/or comments received during the OJA Public Hearing held on January 3, 2007 at 9:00 a.m.

The State Plan is mentioned in this section. The State Plan is a concern of all the CBYS area. The Plan is not contained in the rules. It is stated in the rules that OJA shall have a State Plan. The Plan is being finalized and drafted. A partial draft is in your book today.

377:15-7-7 Notice of Hearing (NEW)

- (a) The notice of hearing shall include:
- (1) a statement of the time, place, and nature of the hearing;
  - (2) a statement of the legal authority and jurisdiction under which the hearing is to be held;
  - (3) a reference to the particular sections of the statues and rules involved; and
  - (4) a short and plain statement of the matters asserted or issues involved.
- (b) Notice of the hearing shall be provided by the Secretary to the Board of Juvenile Affairs.

MOTION PASSED

Voting Aye: Jay Keel  
George Lindley  
Edward Smith  
Lonelia Simmons

Vice-Chair George Lindley asked the advice of General Council, Dorothy Brown, as to the number of votes required to adopt the rules. Ms. Brown said that a number of four (4) aye votes are required to pass the rules. The required number was provided.

MOTION BY JAY KEEL WITH SECOND BY EDWARD SMITH TO ADOPT TITLE 377, CHAPTER 25 AS PRESENTED.

MOTION PASSED

Voting Aye: Jay Keel  
George Lindley  
Edward Smith  
Lonelia Simmons

MOTION BY EDWARD SMITH WITH SECOND BY LONELIA SIMMONS TO ADOPT TITLE 377, CHAPTER 30 AS PRESENTED.

MOTION PASSED

Voting Aye: Jay Keel  
George Lindley  
Edward Smith  
Linda Ware Toure  
Lonelia Simmons

MOTION BY LINDA WARE TOURE WITH SECOND BY JAY KEEL TO ADOPT TITLE 377, CHAPTER 35 AS PRESENTED.

MOTION PASSED

Voting Aye: Jay Keel  
George Lindley  
Edward Smith  
Linda Ware Toure  
Lonelia Simmons

Vice-Chairperson Lindley thanked Robert Morey for the enormous and professional work completed in making these Rule Revisions available to the Board.

### **LEGISLATIVE REPORT**

Mr. Christian presented before the Board today as OJA appeared before the Human Services Cabinet this morning and it was anticipated that JLynn Hartman would still be before the Cabinet. Today is the deadline with both House and Senate for language of all bills. The 18<sup>th</sup> is the actual filing deadline of the bills.

At the February meeting, the OJA Board will be presented with the actual text of all OJA bills. OJA has presented clean-up language for HB 2999; authors are Senator Mike Johnson and Rep. Susan Winchester. Sen. Barrington and Rep. Lisa Billy are carrying a bill – the National Crime Information Center for federal criminal background checks. OJA is concerned that background checks are only completed at the state level and not at the national level. Sen. Barrington and Rep. Winchester are introducing a bill involving confidential juvenile records. This change is due to the Department of Justice being moved to a part of Homeland Security.

OJA has also run into a hurdle to be able to provide our juvenile records to federal prohibition officers for use in the federal system and to allow federal officers to obtain information.

There is a conflict between two bills involving youthful offenders. The issue is that one bill last year said that we would not provide services to 15 and 16 yr olds who committed criminal acts. Another bill signed by the Governor nine minutes later did not include that language. One court in Tulsa has interept that we

do not provide services, one court in Oklahoma City has interrupted that we do provide services. We are proposing a legislative clean-up to say, "This is what is meant."

With the departure of Dr. Terry Cline from the Department of Mental Health and Substance Abuse, OJA has been asked to step-up and take part of the Juvenile Court legislation. The actual language has been drawn and the discussion is open to the expansion of the juvenile Drug Courts. The expansions will be based on finance. Support on this legislation is from Senator Nancy Riley and Rep. Ron Peters.

Another area of legislation is clean up on gangs. Under the current contracting process, OJA must go out for competitive bid. It did not leave the option to go to another state agency or entity. For example, in the event we want to go to the City of Tulsa and say we will contract with you and give you these funds and you may provide services as you see fit within these guidelines. With this legislation, the option of competitive bids or entering into interlocal cooperative agreement is possible. Bidding or going to another state agency is possible. Senator Johnson is looking at this for OJA.

OJA has language available if necessary exempting SAG Grants from DCS applications. There is concern as to what impact it would have and whether it would correct the problem, which now exists.

The language involving the firearms responsibility was submitted. However, the NRA strongly suggested that it not be done at this point. NRA is going to come back with new proposed language and this new language has not been received.

Dorothy Brown, Assistant Attorney General, had advice for the Board Members before going into Executive Session. With respect to the proposed executive session Item B, "Discussion of the Federal Lawsuit," involves confidential communication between your board and your legal advisor and to disclose those communications in the public forum would not be in the public's best interest.

#### **VOTE TO CONVENE INTO EXECUTIVE SESSION**

MOTION BY LONELIA SIMMONS WITH SECOND BY EDWARD SMITH TO CONVENE INTO EXECUTIVE SESSION.

MOTION PASSED

Voting Aye: Jay Keel  
George Lindley  
Edward Smith  
Linda Ware Toure  
Lonelia Simmons

#### **VOTE TO RETURN TO OPEN SESSION**

MOTION BY JAY KEEL WITH SECOND BY EDWARD SMITH TO CONVENE INTO OPEN SESSION

MOTION PASSED

Voting Aye: Jay Keel  
George Lindley  
Edward Smith  
Linda Ware Toure  
Lonelia Simmons

#### **POSSIBLE ACTION ON ITEMS FROM EXECUTIVE SESSION**

There were no items requiring action.

**NEW BUSINESS**

There was no new business to discuss.

**ADJOURN**

MOTION BY LINDA WARE TOURE WITH SECOND BY LONELIA SIMMONS TO ADJOURN THE MEETING.

MOTION PASSED

Voting Aye: Jay Keel  
George Lindley  
Edward Smith  
Linda Ware Toure  
Lonelia Simmons

The meeting was adjourned at 12:00 p.m.

Minutes approved in regular session on the **16<sup>th</sup>** day of **February, 2007**

*Charlie Jackson*

Charlie Jackson, Chairman

PREPARED BY:

*Linda McLennan*

Linda McLennan  
Board Secretary