



OFFICE OF JUVENILE AFFAIRS
June
MONTHLY BOARD OF DIRECTORS
MEETING MINUTES

June 19, 2009

BOARD MEMBERS

Present: Deanna Hartley-Kelso
George W. Lindley
Edward L. Smith
Linda Ware Toure
Gary A. Taylor

Absent: Donnie L. Nero
T. Hastings Siegfried

PRESENT FROM THE OFFICE OF JUVENILE AFFAIRS

Don Bray, Gary Bolin, Dorothy Brown, Gene Christian, Paula Christiansen, Kevin Clagg, Ron Coplan, Judy Diehl, Jeff Gifford, Donna Glandon, Dennis Gober, Elana Grissom, Steve Grissom, Paula Haney, Robert Hendryx, James Johnson, Wayne Johnson, JLYnn Hartman, Cynthia Hollier, Linda McLennan, Carol Marsh, Allen Miller, Len Morris, Kim Sardis, Jennie Small, Elizabeth Stewart, Shantha Varahan

OTHERS PRESENT

Don Bamborough, Jenene Bamborough, Scott Barger, Mark Beutler, Tasha Benz, Shawn Black, Russell Carter, Stella Church, Mary Dash, Barbara Hoberock, Dana Holden, Bobbie Huskey, Kevin Kopp, Anthony Kibble, Sharon Parnell, Jan Ramsey, Kent Roof, Bryan Smith, Jon Trzcinski, Bruce Walker

CALL TO ORDER

Chairman Gary A. Taylor called the June, 2009 Monthly Meeting of the Board of Directors of the Office of Juvenile Affairs to order at 10:03 a.m. at the Office of Juvenile Affairs Employment Development Center, 3815 N. Santa Fe, Suite 170, Oklahoma City, OK 73118.

STATEMENT OF COMPLIANCE WITH THE OPEN MEETING ACT

Ms. 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 one of our newest Board Members, Ms. Deanna Hartley-Kelso.

Ms. Deanna Hartley-Kelso, a native of Fort Worth, Texas, is a citizen of the Chickasaw Nation and currently serves as its Attorney General and Administrator for the Justice Division. Prior to serving in this capacity, Deanna also served as General Counsel for the Legal Division and was also the first Legislative Counsel for the Chickasaw Nation Legislature. Her prior employment includes general corporate work as Associate Corporate Counsel for Color Tile, Inc. in Fort Worth, Texas and General Counsel for Marketing Investors Corp. in Dallas, Texas. She is a 1993 graduate of Tulsa University Law School where she earned her J.D. and a 1989 graduate of the University of Texas at Arlington where she earned her B.A. in Political Science with a Minor in Business Administration.

Deanna is licensed to practice law by the State of Texas and the State of Oklahoma as well as the tribal courts of the Chickasaw Nation and Muskogee (Creek) Nation. She also is a member of the Oklahoma Indian Bar Association, Native American Bar Association, the Federal Bar Association and a ten-year member of The College of the State Bar of the State of Texas.

As for community activities, she is the Vice Chair of the Chickasaw Foundation Board of Trustees, a citizen appointee to the Arkansas Riverbed Authority, an adjunct professor at East Central University in Ada, Oklahoma, and a previous volunteer for North Texas Legal Services-American Indian Law Project. Deanna also serves on numerous other boards and committees within the Chickasaw Nation as well as representing the Chickasaw Nation at the United Nations Working Group on the Draft Declaration of the Rights of Indigenous Peoples, in Geneva, Switzerland.

Mr. Taylor, Chairman of the Board of Directors, asked Mr. Christian to also introduce the other two new Board Members, even though they were unable to attend today's meeting.

Another appointment to the Board is T. Hastings Siegfried from Tulsa. Mr. Siegfried sends his regrets but is attending the Paris, France Air Show. He is a past officer with the Tulsa Police Department and still serves as a Reserve Officer with the Tulsa County Sheriff's Department. Mr. Siegfried is Chief Operating Officer of NORDAM's Transparency Group (NTD), a leader in the production, manufacture and repair of transparency components for the aviation industry. He is truly excited about the opportunity to serve on the OJA Board of Directors.

The last appointment is Dr. Donnie L. Nero, President of Connors State College, located in Warner, OK. There are campuses in Warner and two in Muskogee. Staff had an opportunity to travel and visit with him. He brings an expertise to the Board regarding Workforce Development not present before. He was serving on the Board of Directors of the local youth services agency. He is concerned about certain conflicts so he making that determination. He has great respect for those works OJA has done in prevention and otherwise. He regrets he could not be in attendance due to a conflict with his Board of Regents meeting date.

RETIREMENT RECOGNITION OF MS. JAN RAMSEY, RAMSEY SPECIALIZED COMMUNITY HOME

Mr. Christian stated that OJA is fortunate to have the quality of service from providers who open not only their hearts but also their homes and invite our kids in and have spent day in and day out working with them. OJA pays a small fee for these services but this fee does not in any manner pay for all that is provided and given.

Ms. Kim Sardis, Juvenile Services Division, acknowledged Ms. Jan Ramsey who has provided years of service to OJA. It is an honor for OJA to have had Ms. Ramsey working with "our kids." Also present are those who provide these same services in other parts of the state; Sharon Parnell, Specialized Community Home provider in Muskogee. She takes older girls into her home; Mary Dash, Specialized Community Home provider in Altus. She serves boys with chemical dependency issues; Jenene and Don Bamborough provider in Edmond. They take sex offenders into their home. The OJA Program Director for these Community Homes is Ms. Carol Marsh. District Supervisors attending the meeting are Jennie Small from Woodward with her worker Judy Deal; District Supervisor Ron Copland from Muskogee and District Supervisor Allen Miller.

Ron Copland has worked very closely with Ms. Ramsey for years and stated what an honor it had been to work with the Ramsey's over the past years. Jan Ramsey was born and spent her early life in Sapulpa Oklahoma. Her mother died when Jan was just 13. She was then sent to live with her father in California. Conditions with her alcoholic Father were less than ideal. He kicked her out into the streets. Jan prayed for help. In her prayer she promised that as long as she was able, she would take kids into her home. She didn't want any child to face what she had to face, being abandoned and alone. She soon was married at 14, to a young man that was in the military, stationed at Fort Ord. Soon after she took in her two young siblings.

After her husband's stint in the military was over they moved back to Okmulgee Oklahoma. After coming back to Oklahoma, her husband left her, and five children. Keeping her promise, Jan started taking in Native American Children that the Creek Tribe would bring her. The word traveled, and Jan took in numerous children that found their way to her door.

Jan married Paul Ramsey, in 1974. They became Foster Parents, for the Department of Human Services. They kept numerous children for both divisions of the agency, Child Welfare, and Court Related and Community Services.

A new program, Specialized Community Homes, began through Court Related and Community Services. It was a melding of the Group Home concept with Foster Care. Individuals would provide rehabilitative programming with Foster Care. The program fit their home perfectly and they soon were signed up. In 1995 when The Office of Juvenile Affairs was separated from the Department of Human Services, the program transferred to the new agency.

Jan has kept her promise, and after 44 years of providing a home for children that needed her big heart and firm hand, she is retiring on June 30, 2009.

Mr. Christian presented Ms. Ramsey with a plaque as a small token for her years of service.

SPECIAL RECOGNITION OF MS. TASHA BENZ, OJA JUVENILE

Mr. Christian recognized a female juvenile, who has been in the custody of OJA, for her outstanding accomplishments. Ms. Tasha Benz.

Tasha first became involved with OJA when she was arrested for Possession of a Controlled Dangerous Substance while at School on 03-03-08. She was adjudicated for the felony offense and placed on probation on 05-08-08. She was charged with Malicious Injury to Property on 05-02-08, for vandalizing a vehicle. She was adjudicated delinquent on the offense on 07-03-08, and placed in OJA custody with placement at home. On 05-28-08, she was arrested for Petty Larceny, adjudicated delinquent for that charge, and recommitted to OJA custody on 10-02-08. She remained at home until being placed at Parnell's Specialized Community Home on 10-20-08.

Tasha remains in placement at Sharon Parnell's Specialized Community Home in Muskogee, Oklahoma. She is thriving in that setting and has exceeded expectations of herself, JSU, Ms. Parnell, and her family.

Her accomplishments include:

- Member of the Character Club at the Rougher Alternative Academy. **She traveled to Oklahoma City to the State Capitol for Alternative Education Day. She served as a personal page to State House Representative Jerry McPeak. He praised her professionalism and positive attitude.**
- Rougher Alternative Academy Female Student of the Year for 2008/2009
- Member of the Poetry Club at Rougher Alternative Academy
- Principal's Honor Roll
- Member of Volleyball Team which placed first in the Tulsa tournament
- Earning her driver's permit
- Head of committee that is working on child abuse prevention
- Working part time at Sonic
- Working toward 65 hours of community service to obtain an extra elective credit on her transcript
- Student of the year at Rougher Alternative Academy

The thirteen schools in the Muskogee School System select individual students they believe exhibit positive "character". Tasha was selected to represent Rougher Alternative Academy. She and twelve other recipients were honored at a banquet on 03-26-09.

The Women of Vision Program selected Tasha's essay as one of the winners. Women of Vision is an organization of women that go into the school system and encourage the girls to see that there is no challenge so great, that it can't be overcome.

Tasha was presented a framed Certificate for her achievements.

PUBLIC COMMENTS

Public Comment was heard from Mr. Scott Barger, Deputy Director of the Oklahoma Public Employees Association (OPEA).

Mr. Barger expressed the Association's strong concerns with the agenda items related to private management of any facility housing wards of the state.

The privatization of adult jails and prisons is an established and growing trend, with corrections Corporation of American (*CCA), Wackenhut and a host of smaller companies vying for market share.

These same corporations have started to turn their attention to the juvenile facilities market. Private for-profit corporations currently operate secure juvenile facilities in at least 23 states and the District of Columbia. With its recent acquisition of Youth Services International, Correctional Services Corporation (CSC) has emerged as the dominant player in the juvenile corrections segment of the market.

Proponents of privatization cite the benefits of free enterprise, pointing out that competition may lead to superior products and lower costs. However, privatization also poses significant risks for incarcerated youth.

For-profit corporations necessarily emphasize the bottom line, and in juvenile services, cost savings rarely result from new and innovative programs or ideas. Instead, facilities save money by hiring fewer and less qualified staff, and reducing services and programs such as mental health treatment and education. The conditions and practices in juvenile facilities are tied directly to the number of staff and the quality of their training. Conditions deteriorate rapidly in a facility run by insufficient, poorly trained or inexperienced staff, and there are far more incidents involving violence, injury, and excessive use of restraints and isolation. Rehabilitative programs are sacrificed to accommodate tight security and controls.

There have been several recent reports of abuses in juvenile facilities operated by for-profit corporations. Human Rights Watch identified significant problems in the High Plains facility in Colorado. The Pahokee Juvenile Facility in Florida was the subject of court proceedings brought by public defenders. And *The New York Times* reported the Tallulah Correctional Center for Youth in Louisiana was "a juvenile prison so rife with brutality, cronyism and neglect that many legal experts say it is the worst in the nation."

Concerns this Board should consider as well as questions left largely unanswered in the rush to privatize juvenile facilities nationally include the following:

The legal rights and developmental needs of incarcerated youth are very different from those of convicted adults. What qualifies private corporations to administer juvenile facilities?

State monitoring nationally of publicly run juvenile facilities is often inadequate. Who is responsible for monitoring conditions and practices in privately run facilities, and to what standards are such facilities held?

Private for-profit facilities have a strong incentive to keep their beds full. What incentives do private corporations have to support prevention programs or programs to reduce recidivism?

Are we to repeat a mistake of the past? Does anyone remember the scandal and finally the closure of a privately run facility in Union City?

And, what message are we sending to the citizens of the State of Oklahoma? By requesting an RFP or ITB for the management of a new facility, are we conceding that this current administration cannot cost effectively manage the state's juvenile facilities? I don't think that is the case!

Finally, OPEA supports the building of a new or a series of new facilities to replace old, inefficient ones. We support the staff that is working in the facilities under very difficult conditions. And, after holding the line for you in these antiquated facilities, they should have the opportunity to move into a new state of the art facility and prove what they can do!

We have supported and will continue to support state run juvenile services, but OPEA will not sit idly by and watch private profiteers use political pressure to take advantage of the State of Oklahoma during these difficult economic times. Let's keep it professional, and let's keep it public! Thank you.

Mr. Taylor requested the Board move on to the Action Items listed on the Agenda due the closeness of a quorum and he had to leave early, as was Dr. Toure. Mr. Taylor asked to start with Action Item 5, Item 7 and then move back to Item 1.

ACTION ITEMS

DISCUSSION AND/OR POSSIBLE ACTION TO APPROVE THE ADDITION OF RAZOR WIRE TO ONE SECTION OF FENCE AT THE L.E. RADER CENTER IN SAND SPRINGS.

Mr. Christian presented and displayed photos of a fence and gate at the L.E. Rader Center. The Director is asking the Board to approve the installation of razor wire across the top of the gate. The last 3 youth who have taken the opportunity to leave the facility have left through this gate. Two youth were able to climb up the center and to wedge themselves out. It was thought the problem had been corrected when the top of the gate was chained. The last youth was able to scale the side of the gate. Due to the candy cane fence not covering this area of the gate, the youth crawled out, swung his leg over and escaped from the facility.

This gate is located at the back of the facility and is not used on a regular basis. The two cottages close to this fence are vacant and have been vacant for almost a year. This is an entry that was also utilized for a masonry vocational system and that is no longer available to the juveniles.

Mr. Christian asked the Board for approval for the inclusion of the razor wire. The cost of the wire is \$60.00 and OJA will be responsible for the installation. The wire has been purchased in anticipation of its need and the approval of its use. This is not an issue that requires Board approval. As Executive Director, Mr. Christian has the authority to order the installation of the razor wire. However, this is stepping outside the boundaries of where OJA has gone in the past and there has been some belief that this was actually treading upon DHS licensing requirements. It has been determined there is nothing in writing, it is a practice that was verbally put into place some time ago. The reason the Director is prepared to authorize the installation of the razor wire is due to the fact that the wire will only be located at the very top of the gate. This is not an area where any youth should be, other than if they are outside their appropriate behavior. OJA does not anticipate any casual or accidental contact with the razor wire. It requires an intentional effort of anyone's part to come into contact with the wire. The Director introduced the Advocate General to make a presentation regarding any concerns regarding the installation of the razor wire.

Ms. Donna Glandon, Advocate General, presented to the Board. Ms. Glandon stated this is a problem area for Rader and that security measures do need to be taken. However, razor wire presents a very negative image. There are alternatives to the razor wire and these should be researched. The only objection is the negative image it carries with its use.

Judge George Lindley asked Ms. Glandon for a list of alternatives to using the razor wire. None were available at this time.

Dr. Linda Toure asked the Director if this is a temporary solution until other alternatives can be explored? The Director said a determination of the expenditures of other solutions would have to be explored. The razor wire is a low cost, quick solution. Other possibilities could be researched for cost-effective solutions, but the wire is an action that can be taken immediately to stop the abilities of using the gate for escape purposes.

MOTION BY EDWARD SMITH WITH SECOND BY LINDA WARE TOURE TO AUTHORIZE THE DIRECTOR TO INSTALL THE RAZOR WIRE AS DESCRIBED AS A TEMPORARY MEASURE TO PREVENT THE PROBLEM OF ESCAPE AND TO DIRECT THE EXECUTIVE DIRECTOR TO EXPLORE ALTERNATIVES THAT WOULD NOT BE COST PROHABITIVE.

MOTION PASSED

Voting Aye: Deanna Hartley-Kelso
George Lindley
Linda Ware Toure
Edward Smith
Gary Taylor

DISCUSSION AND/OR POSSIBLE ACTION TO SET THE FOLLOWING ACTION ITEMS, AS SUGGESTED BY THE EXECUTIVE DIRECTOR, FOR CONSIDERATION ON THE BOARD OF DIRECTORS AGENDA FOR JULY, 2009.

- (a) Issuance of an RFP or ITB for the private construction of a new combination medium and maximum secure juvenile facility of not more than 150 beds; Said construction to be financed by the use of a long-term lease purchase agreement that would require the closing of one or more of our current secure facilities.**
- (b) Issuance of an RFP or ITB for the possible private management and operation of said new combination medium and maximum secure juvenile facility. Upon closure of an existing OJA secure facility or facilities, the operational expenses of the closed facility or facilities could be used to offset the cost of the contract to manage and operate the new facility.**

Mr. Taylor stated it was his understanding this would be the beginning of the discussion of these issues and not the end. Mr. Taylor asked Mr. Christian for his interpretation of the effects of considering the motion as worded. The Director stated this is giving a heads-up or indication these are items to be brought before the Board for the opportunity of discussion. At the same time, the Director is notifying the public and also OJA staff these are issues that need to be researched. The only way to answer the questions being asked is to start the discussion regarding the issuance of RFP's or ITP's. In the event RFP's are issued, to check and see whether or not OJA is competitive as a state agency, as a state run facility, and whether OJA can be competitive with a private operation. Items (a), (b), (c), and (d) are all affected.

OJA is currently securing an older population in the facilities than when originally established, even in 2000. Mr. Christian will have a comparison in population between 2000 and 2008 at the July meeting should the Board approve to consider. Also, there has been a greater amount of assaults on staff. These assaults are mostly being driven by antiquated facilities. Facilities that were not designed to hold this population. If the discussion is that of a new facility, the current economic climate would dictate the only way the State of Oklahoma will be able to afford this would be through a long-term financing agreement (a lease purchase program) and that is what is being considered here.

The Director told the Board that in the event there is new construction, the question will be asked: "Should the operation and management of the new construction be state or privately operated. That is the subject of Item (b).

Judge Lindley: "Between (a) and (b), I see those as two separate considerations. My understanding is that OPEA is objecting to the private management of option. I think you are saying yes, OJA can go with private construction that does not absolutely dictate that there will be private management. Two completely separate questions. Correct?"

Director: "Yes, separate considerations. I agree."

Judge Lindley: "Is it your request and recommendation that these matters be on the agenda and discussed in the July meeting?"

Director: "Yes, it is my request."

OJA will put forth a plan as to how it is to work with the current population. Issues involving the maximum secure beds at Rader will be evaluated. Some will question is this the proper time for these issues due to the economic climate. The one thing available to OJA at this time is currently our capacity is such that actual bed space is available. As of today, there is one young man waiting to go to secure environment and there are 20 open beds. There are no females waiting for placement and 12 to 13 open beds. If internal changes are to be made, now is the time to do it. Today is when to start planning for 3 to 4 years from now. When the question arises, we need an answer "WE" being "OJA." Can OJA compete in the market as far as the operation of a facility both in price and product? "We" need an answer. OJA's cost of operation and products in the facilities are known. What the private sector would price the operation of a facility like our COJC, SWOJC or even Rader is not known.

The only way to appropriately ask these questions is to put out an RFP or ITB. It does not mean such would have to be awarded. It means "we" would be able to ask the question. If the questions are going to be asked, OJA needs to control the timing of those questions, not be driven by the environment or the vendors, but be driven by our needs and the timing of the Board."

Judge Lindley: "When is the July meeting?" The meeting is Friday, July 17, 2009 and there is no August meeting scheduled at this time. "Is the September Retreat scheduled?" No. It is on the Agenda today.

Mr. Christian: "When these items are discussed is not the issue. July was chosen because it is the next meeting. We have to be in a position to address the question. As you remember, in last year's budget OJA was authorized by the legislature to put out an RFP for a 60-bed private facility for youthful offenders. The financing was not available, so an RFP was not issued. If a bid is issued without the funds, you get inflated numbers and inflated numbers are no good."

Judge Lindley: "Are you going to be able to produce background information for the July meeting?"

Director: "Yes."

Mr. Taylor, Chairman – "In some ways it seems like the cart before the horse in terms of programs or supervision of the facility and the residents if we bifurcate (a) and (b). How do you build a facility that will accommodate the programs for the children and then try to impose those ideas on a private vendor at some time down the road? It would seem to me that in building a facility, you would have to have an idea of the programs that would be used, the space needs, the structure needs, everything about it. I don't know that there are cookie cutter specifications for juvenile institutions for 150 youth. It seems it should be tailored to the population, programs and solutions. One of those solutions may be looking at a new facility to be run in this fashion. That is, with these programs in place. If this is true, the only thing we are looking at is the cost. I am asking the question, "Am I totally off base to think that (a) and (b) can't really be bifurcated? I haven't studied this and I am not the expert. One of my concerns is that the Board has not studied this either. This is a change in the way the state is taking care of youth who have to be confined in maximum or medium security facilities. Frankly, I would like to have more than a month to think about that, even if to discuss it. I think it is a big change, and may be an even bigger change that it would appear by virtue of the language the issuance of an RFP or ITP. Moving down this road is a serious consideration for this Board. I just want to make sure as we move forward on these items, that it

is understood exactly what it is we're doing. Are we gathering information in order to look at and approve the issuance of an RFP, or are we today going to say this is the direction we want to go – privatization so let's talk about the RFP or ITP in a month."

Judge Lindley: "I agree with what you are saying. I wanted to call attention to the fact that this is two separate items, one is the building and one is the staffing. I agree with you in that by July, there will not be enough information to make that decision. My thought as you were speaking was Yes - the Board needs to discuss this. It may be more appropriate, however, to make the final decision at the September Retreat. That gives everyone a longer time. At least time to discuss the information to make an informed decision."

The opposite is true if (a) and (b) are put together. If you award one contract for the construction and the operation, you can't get rid of that operator if they don't do a good job. They also own the building and you are tied. We were talking about long-term 30-year projects.

Dr. Toure – "I have concerns about July in terms of even discussing. I don't feel that I have enough information. To even begin moving forward in July causes great concern to me. I just feel like that is a major move and I understand what you are saying about the changing culture in the programs needs and the severity of the problems that we have to face and the need to do something, but I don't feel comfortable with even talking about July as a target. I really like the idea of September thoroughly discussing the pros and cons, the advantages and having that additional information. This is a major step for our agency. I think we need more time rather than starting in July."

Judge Lindley – "Director, the facility that you will be presented has been discussed by this Board. In other words, this is the design you are recommending and all that work has already been done rather intensively."

Director – "Yes, it has been drawn by an architect to the specifications and even to the point that they put a price tag on it."

Mr. Taylor – "I have a second question about (a) and (b). If we were to remove the word "private" from both of these statements, would we still be having this discussion? Do we have to link the idea of 'private construction' and 'private operation' in particular to the idea that a new facility is what the youth of Oklahoma and this agency needs to do it's job. The idea that we need a new facility, absolutely. I've toured our facilities and had numerous lawsuits and they are antiquated. We recognize that. I would hope the legislature and the people of Oklahoma would recognize that as well. And whether or not private construction particularly, but the big concern I have is private operation and management of the facility. Why aren't we at this point in time talking about a new facility that we would build? I know that it might be impractical and we may not have the money to do it."

Judge Lindley: "I think this can't be discussed due to the matter of cost. OJA cannot endure the cost."

Mr. Taylor: "As Chairman, my role is not to be an obstructionist, but to express concerns that many people have about the fact that OJA is not talking about the state obligation to provide for these children, the State obligation to house children rather adults who are in prison, if and what is that going to cost."

Judge Lindley: "In my opinion that is part of the discussion. I understand we would rather have our facilities run by the state and state employees. The question is going to be: 'Is the legislature going to ask is there not an alternative that would cost us less. It has to be said that we have discussed other alternatives'."

Mr. Taylor: "Whatever the merits and demerits, the privatization of a large facility for kids, the comparison between the cost of the state and the cost of contracting for these services is an issue. How big of an issue? That is a policy decision. We can sit here and say we don't like privatization, however, and the state will still build one. With what? It has to be the legislature appropriating the money and it still has to be their will going forward. I want to have asked and discussed the hard questions about whose responsibility this is and what this Board thinks if saving money out ranks all. The money is ultimately in

the legislatures hands. I don't want anything that is impractical. By the same token, this is a policy making Board. We can look at, discuss, and debate state-run vs. private-run, but it does no good for us to suggest either one if the state-run facility is off the table. I want to put state-run facilities on the table at all times. If this Board is going to discuss one, I want to discuss the other. If the legislature does not see fit to do what is necessary to appropriate the money to have us do the right thing and the most important thing for the kids in the State of Oklahoma, I'm sorry. That responsibility is on them, but it is not going to be one us."

Judge Lindley: "I agree with you wholeheartedly. The practicality must be examined."

Mr. Taylor: "My personal comment is that both should be on the table. If this Board is to judge, then judge both. If there is a differential in cost, the policy makers and the legislators may say it is worth it to spend more money to do what is right. I know that cost savings has to be in the discussion. I know budgets have to be discussed. I do this all the time in my job as Executive Director of another agency. I understand the practicality, but we are talking about a great policy change in providing for these children in the state facilities. I want to know if the idea of privatization to save money is enough to offset what I see as benefits of publicly run institutions. And frankly, enough to offset the responsibility of the State to run its institutions especially when it involves youth. This is my consensus."

Judge Lindley: "My understanding is, if put on the July Agenda, it will this Board additional time to say exactly what we require in the way of information for the September Retreat. A review meeting of what we have and what additional information we need for discussion in September."

Mr. Taylor: "I agree. My concern was if a motion were made today regarding each of these two items, the Board would be sending the message that this is the direction we want to go. I want to make sure that if we do this, that is really what we mean. If we need more information and more study, by the time September comes we will be able to give better direction to this agency in regard to these issues. I was concerned with the appearance of a "yes", we are moving forward and this is the first step."

Mr. Christian: "This does start the discussion that needs to be had. It, however, will be a multiple month process."

Mr. Taylor: "What information would be available in a month that would further the discussion for the purposes of really pointing at September for some kind of decision, whatever form that might be?"

Mr. Christian: "I would be available to provide whatever information is necessary. Obviously, I could give you the design of a 60-bed facility and the expansion to 150-beds. Looking at our population, a determination could be made of where our population is. I could have someone review all three facilities and determine whether there is the availability to have some secured beds. The rooms at COJC have been reviewed to give Mr. Johnson the opportunity to have some locked rooms. Even that cost is \$55,000 for COJC and at this time there is no funding for this construction. Discussion could begin as to which facility will be affected. Statutes require that in the event an RFP or ITP is issued concerning privatization, staff will have the opportunity to appear and make their own presentation of the issue stating both the pros and cons of privatization. It is time for OJA to have the discussion with staff that there is an obligation on our part to contain costs as best we can. OJA has to be competitive not only in programming but also competitive in costs. As our population has decreased, we have actually seen our costs in overtime increase. We need to take control of these issues and make ourselves competitive price wise and program wise. This should be a cake-up call for OJA staff. If this Board chooses to have all discussions in September, that's okay."

Mr. Taylor: "I would suggest that both (a) and (b) are moved to the July meeting since the board will not be asked to make a directive to the issue of RFP or ITP's."

Mr. Christian: "If action is taken which will impact OJA in a budget manner, a recommendation will have to be made as budget numbers are finalized by October. Since we must make a final decision by October and also if we are talking about an issuance of an RFP, I would ask that we have prepared and put forth to allow the bids to come back to OJA during the legislative session. This will provide good, firm,

current numbers and we will have the opportunity to go to the legislative and say, if you want to privatize, the cost is this. And if not, the cost is this figure. This is a policy decision. OJA can make a recommendation for or against, but you must understand that this is exactly what it is, a recommendation. If we are talking just about construction, then I'm thinking that once construction is decided if we want to talk about management, we should arrange for these bids to come back during the next session. Again, my argument is that OJA needs to control the time line rather than the vendors or outside influences or controls. This will give staff opportunity to be heard. I know that dragging things out creates tension. There is great concern about where OJA will be in three (3) years. This time line gives us the opportunity to say, we can do better, we can, we will, we are! Rader overtime costs were down tremendously this last month. I want to see that improvement continue. The Department of Justice will be at the L.E. Rader Center next week for their second follow-up. We want to see improvement. If continuing in July, we will present all the evidence available and allow you to present questions. A full presentation will be given to September. Possibly, we put it all together for a vote in October."

Mr. Taylor: "That sounds like it will meet the concerns of the Board."

Action Items (a) and (b) will be moved to the July Agenda for further discussion. A motion is not required.

Mr. Taylor: "I have a follow-up question. Where does the consideration for the facility for the youthful offender's stand?"

Director: "We are prepared to issue that, but we do have not authority to award due to lack of funding and no authorization from the legislature to award. If awarded, the funds would have to come from other programs or funding already in place."

(c) Convert one unit (14 beds) of the ITP building at the Rader Facility into a disciplinary unit to allow for the transfer of violent and assaultive youth to said disciplinary unit.

Mr. Christian presented. "This again is an item I request to be placed on the July Agenda for discussion. It is my desire to take one unit (14-beds) at COJC and also at SWOJC and make these Disciplinary Units. This would give both CPJC and Manitou an opportunity to say, we have a Disciplinary Unit. When youth continually act out, we would then have the ability to remove those individuals from the general population and place on this specific unit. We staff it different and we house them differently. The behavior problems could be better controlled. This is a departure from our current mode of operation. This is a discussion we have to have. The Board asked me as Director to look for an alternative to the use of tasers or chemical spray. This is one alternative we are looking at as a possibility. This discussion needs to begin with the superintendents and advocate general regarding the operation of the units. This will also push the envelope on certain other issues. This is the reason I am asking for placement on the July Agenda."

Mr. Taylor: "One issue is the cap which was issued under the *Terry D.* There is no action needed today. Item (c) will be moved to the July Agenda."

(d) Consider the possibility of transferring youth reaching the Leadership and Community Phases in ITP (a maximum secure setting) to be stepped-down to RTP (a medium secure setting).

Director: "Item (d) is only necessary if we do (c).

Mr. Taylor: "Items (c) and (d) will be discussed on their merits at the July meeting.

Return to Action Item One.

DISCUSSION AND/OR POSSIBLE ACTION TO APPROVE THE FEBRUARY 20, 2009 BOARD OF DIRECTORS MEETING MINUTES AS PRESENTED.

MOTION BY GEORGE LINDLEY WITH SECOND BY EDWARD SMITH TO APPROVE THE FEBRUARY 20, 2009 BOARD OF DIRECTORS MEETING MINUTES WITH THE CORRECTION OF THE SPELLING OF NAME JON TRZCINSKI.

MOTION PASSED

Voting Aye: Deanna Hartley-Kelso
George Lindley
Linda Ware Toure
Edward Smith
Gary Taylor

DISCUSSION AND/OR POSSIBLE ACTION TO APPROVE THE MARCH 30, 2009 BOARD OF DIRECTORS SPECIAL MEETING MINUTES AS PRESENTED.

MOTION BY EDWARD SMITH WITH SECOND BY LINDA WARE TOURE TO APPROVE THE MARCH 30, 2009 BOARD OF DIRECTORS SPECIAL MEETING MINUTES AS PRESENTED.

MOTION PASSED

Voting Aye: Deanna Hartley-Kelso
George Lindley
Linda Ware Toure
Edward Smith
Gary Taylor

Mr. Christian asked if the Chairman has a preference to the date and location of the September Retreat. Date is tentatively scheduled for a one-day Retreat on Friday, September 18.

Judge Lindley stated that when he became a Board Member, the Chairman arranged for a Board Member and Executive Staff dinner. After dinner the Executive Staff gave presentations on their specific divisions explaining the duties of each department. Judge Lindley asked if a similar presentation could be arranged for these new Board Members.

Mr. Christian stated that by Rule, OJA is ordered to give new members an orientation and we are obligated to give them that. Mr. Christian suggested a dinner with training at the September Retreat with the next day training and item discussions. This scheduling will be coordinated with the Chairman.

Mr. Taylor left the meeting at 11:30 a.m.

Mr. Edward Smith, Vice-Chairman, took over the chair duties of the meeting.

DISCUSSION AND/POSSIBLE ACTION TO APPROVE/ESTABLISH NEW RATES AND STANDARDS FOR COMMUNITY EDUCATION FOR USE BY DESIGNATED COMMUNITY-BASED YOUTH SERVICE AGENCIES.

Mr. Kevin Clagg presented. Two new rates are being proposed:
Community Education
Community Development

The Rates under discussion today were approved to be recommended to the Board of Juvenile Affairs by the OJA Rates and Standards Committee on March 18, 2009. The Department of Central Services reviewed these rates and offered no objection as evidenced by a letter from DCS Director, John S. Richard, dated March 23, 2009. A copy of the letter is included with the Board Packets.

Establishing rates is part of an initiative to move away from cost reimbursement contracts. For those Youth Service Agencies that utilize rates for service provision, there is currently no method to receive finding for community Education and community Development services. Fixed rates are more efficient to audit and monitor. Auditors can focus on quality of services provided and contract compliance rather than spending time reviewing expenditures.

Community Education includes those community activities designed to inform and educate the community on the possible symptoms/behaviors to watch for in identifying potential child abuse, neglect, mental health issues, substance abuse and juvenile delinquency issues as well as making the community aware of available service options. Activities may include workshops, seminars, lectures, and class and group presentations.

Provider Requirements

- Level 1
Agency Directors and individuals with a masters or bachelor's degree in a behavioral science and/or 2 years experience in community education activities or individuals with a professional license or certification in M.D., D.O., Ph.D., LPC, LMFT, LCSW, LBP, LADC, or APN: Include individuals under supervision for licensure.
- Level 2
Masters or Bachelor's degree in a behavioral science and/or 1 year of experience in community education activities, juvenile justice, social work, education, community-based prevention or diversionary youth service programs.

Community Education Services are those activities performed within the community to promote and develop awareness of prevention and early intervention child abuse, neglect, mental health, substance abuse, and juvenile delinquency issues and programs.

- Level 1 Rate
 - \$20.00 per 15 minute intervals
- Level 2 Rate
 - \$14.02 per 15 minute intervals

Both rates are limited to one participant billed per event.

MOTION BY LINDA WARE TOURE WITH SECOND BY GEORGE LINDLEY TO APPROVE THE NEW RATES AND STANDARDS FOR COMMUNITY EDUCATION FOR USE BY DESIGNATED COMMUNITY-BASED YOUTH SERVICE AGENCIES AS PRESENTED.

MOTION PASSED

Voting Aye: Deanna Hartley-Kelso
George W. Lindley
Linda Ware Toure
Edward L. Smith

DISCUSSION AND/POSSIBLE ACTION TO APPROVE/ESTABLISH NEW RATES AND STANDARDS FOR COMMUNITY DEVELOPMENT FOR USE BY DESIGNATED COMMUNITY-BASED YOUTH SERVICE AGENCIES.

Mr. Kevin Clagg presented.

Community Development includes the following:

- Actions in the community to support the development of:
 - ◀ Prevention of child abuse, neglect and substance abuse
 - ◀ Mental health identification and referral processes
 - ◀ Juvenile delinquency prevention and early intervention services
- Participation in community activities such as local service committees, juvenile justice advisory counsels, various community task forces, and community needs assessment and

problem identification and coalitions aimed at improving or increasing children and youth services.

Community services performed by agency staff that allows the agency to build capacity in the community for additional services by collaboration with other service providers for the most effective use of public dollars.

Staff time for board and volunteer recruitment and training aimed at strengthening and increasing agency services.

Staff time for services provision agreements, and agreement.

Provider Requirements

- Level 1
Agency Directors and individuals with a masters or bachelor's degree in a behavioral science and/or 2 years experience in community development activities or individuals with a professional license or certification in M.D., D.O., Ph.D., LPC, LMFT, LCSW, LBP, LADC, or APN: Includes individuals under supervision for licensure.
- Level 2
Masters or Bachelor's degree in a behavioral science and/or 1 year of experience in community development activities, juvenile justice, social work, education, community-based prevention or diversionary youth service programs.

Community development is the process involving the conception, planning, and implementation of programs or activities designed to address identified problems or issues in a community. This process could include:

- (1) Identification of problems, assets, and resources;
- (2) Analysis of local, state and federal power structures;
- (3) Assessment of human needs, and
- (4) Investigation of other concerns and issues that could impact the community

- Level 1 Rate
 - \$20.00 per 15 minute intervals
- Level 2 Rate
 - \$14.02 per 15 minute intervals

Both rates are limited to one participant billed per event.

MOTION BY LINDA WARE TOURE WITH SECOND BY GEORGE LINDLEY TO APPROVE THE NEW RATES AND STANDARDS FOR COMMUNITY DEVELOPMENT FOR USE BY DESIGNATED COMMUNITY -BASED YOUTH SERVICE AGENCIES AS PRESENTED.

MOTION PASSED

Voting Aye: Deanna Hartley-Kelso
George W. Lindley
Linda Ware Toure
Edward L. Smith

Dorothy Brown, Assistant Attorney General, gave advice to the Board Members before voting to convene into Executive Session.

Item XI. (B) will be discussed in Executive Session due to confidential nature of communications between the Board and its attorneys concerning pending investigations and litigation. To discuss such in open session would seriously impair the ability of the Board to handle the pending litigation in the public's best interest.

VOTE TO CONVENE INTO EXECUTIVE SESSION

MOTION BY GEORGE LINDLEY WITH SECOND BY LINDA WARE TOURE TO CONVENE INTO EXECUTIVE SESSION.

MOTION PASSED

Voting Aye: Deanna Hartley-Kelso
George W. Lindley
Linda Ware Toure
Edward L. Smith

VOTE TO RETURN TO OPEN SESSION

MOTION BY GEORGE LINDLEY WITH SECOND BY LINDA WARE TOURE TO RETURN TO OPEN SESSION.

MOTION PASSED

Voting Aye: Deanna Hartley-Kelso
George W. Lindley
Linda Ware Toure
Edward L. Smith

POSSIBLE VOTE ON ITEMS FROM EXECUTIVE SESSION.

There were no items requiring a vote.

NEW BUSINESS

There was no new business to be heard.

ADJOURN

MOTION BY GEORGE LINDLEY WITH SECOND BY LINDA WARE TOURE TO ADJOURN THE BOARD OF DIRECTORS MEETING.

MOTION PASSED

Voting Aye: Deanna Hartley-Kelso
George W. Lindley
Linda Ware Toure
Edward L. Smith

The meeting was adjourned at 12:40 P.M.

Minutes approved in regular session on the 17th day of July.

Gary A. Taylor
Gary A. Taylor, Chairman

PREPARED BY:

Linda McLennan
Linda McLennan, Board Secretary