

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

**January 12 and 13, 2006**

**BOARD MEMBERS**

Present: Charlie Jackson  
Ray Don Jackson  
Jay Keel (arrived at 1:40 p.m. January 12, 2006)  
George Lindley  
Gary Taylor  
Lonelia Simmons  
Charlie Nobles

**PRESENT FROM THE OFFICE OF JUVENILE AFFAIRS**

Dorothy Brown, Kevin Clagg, Richard DeLaughter, Jeff Gifford, Andrea Howry, Linda McLennan, Rick Olderbak, Marla Parish, Richard Parish, Kim Sardis, Elizabeth Stewart.

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**OTHERS PRESENT**

Nancy Reese Barrett, Facilitator

**CALL TO ORDER**

Chairman Charlie Nobles called the January 12, 2006 Planning Retreat of the Board of Directors of the Office of Juvenile Affairs to order at 8:10 a.m. at the Lakeview Lodge, Beavers Bend Resort Park, Broken Bow, Oklahoma.

**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.

Chairman Charlie Nobles read the Office of Juvenile Affairs Mission Statement.

**PUBLIC COMMENTS**

There were no Public Comments presented.

**ACTION ITEMS**

**DISCUSSION WITH POSSIBLE VOTE TO ELECT A NEW CHAIRMAN FOR THE BOARD OF DIRECTORS FOR CALENDAR YEAR 2006.**

MOTION BY CHARLIE NOBLES WITH SECOND BY CHARLIE JACKSON TO ELECT LONELIA SIMMONS AS THE NEW CHAIRMAN FOR THE BOARD OF DIRECTORS FOR CALENDAR YEAR 2006.

MOTION PASSED

Voting Aye: Charlie Jackson  
Ray Don Jackson  
George Lindley  
Gary Taylor  
Charlie Nobles

Abstaining: Lonelia Simmons

Absent: Jay Keel

Ms. Lonelia Simmons then presided at the Meeting.

**DISCUSSION WITH POSSIBLE VOTE TO ELECT A NEW VICE-CHAIRMAN FOR THE BOARD OF DIRECTORS FOR CALENDAR YEAR 2006.**

MOTION BY CHARLIE NOBLES WITH SECOND BY LONELIA SIMMONS TO ELECT CHARLIE JACKSON AS THE NEW VICE-CHAIRMAN FOR THE BOARD OF DIRECTORS FOR CALENDAR YEAR 2006.

MOTION PASSED

Voting Aye:        Ray Don Jackson  
                  George Lindley  
                  Gary Taylor  
                  Lonelia Simmons  
                  Charlie Nobles

Abstaining:        Charlie Jackson

Absent:            Jay Keel

**DISCUSSION WITH POSSIBLE VOTE TO APPROVE THE BOARD MEETING MINUTES OF DECEMBER 16, 2005.**

MOTION BY CHARLIE NOBLES WITH SECOND BY GEORGE LINDLEY TO APPROVE THE DECEMBER 16, 2005 BOARD MEETING MINUTES AS PRESENTED.

MOTION PASSED

Voting Aye:        George Lindley  
                  Gary Taylor  
                  Lonelia Simmons  
                  Charlie Nobles

Abstaining:        Charlie Jackson  
                  Ray Don Jackson

Absent:            Jay Keel

**DISCUSSION WITH POSSIBLE VOTE OF THE VARIOUS COMPONENTS OF THE JUVENILE JUSTICE SERVICE DELIVERY SYSTEM AND THE MAINTENANCE AND IMPROVEMENT OF THE SYSTEM.**

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Richard DeLaughter, Executive Director, began the Retreat portion of the meeting by commenting on the Attorney General's Opinion, 05-44. The requesting of this Opinion initiated from the State Auditor and Inspector General's Audit regarding Youth Services Agencies. OJA took six questions identified by the State Auditor and Inspector General's Audit and asked for the Attorney General's opinion as it might affect OJA. The response is dated December 5, 2005. Rick Olderbak, Assistant Attorney General, has agreed to explain, discuss and answer any questions the Board might have concerning the opinion.

Mr. Olderbak gave the results of the Attorney General's opinion and interpreted the response to the Board. Mr. Olderbak said the following six questions were derived from the audit.

1. Does 10 O.S. Supp. 2005, § 7302-3.6a grant an exclusive right to currently existing private, non-profit Youth Services Agencies to receive government contracts?

**Title 10 O.S. Supp. 2005, § 7302-3.6a does not provide currently designated non-profit youth services agencies exclusive rights to receive government contracts.**

2. May the Department of Juvenile Justice be required to use competitive bid or proposal provisions of the Central Purchasing Act when awarding contracts to designated Youth Services Agencies under 10 O.S. Supp. 2005, § 7302-3.6a, which requires that such contracts shall be negotiated by the Department?

**The Office of Juvenile Affairs, through its Department of Juvenile Justice may, if all conditions precedent are in place, use competitive request for proposal procedures ("RFP") of the Central Purchasing Act, 74 O.S. 2001 & Supp. 2005, §§ 85.1 through 85.44C or internal agency procedures when awarding negotiated contracts to designated Youth Services Agencies, so long as final contracts are negotiated by the Department of Juvenile Justice and not the Department of Central Services.**

3. Does 10 O.S. Supp. 2005, § 7302-3.6a grant the Oklahoma Association of Youth Services an exclusive right to receive a government contract in violation of the Oklahoma Constitution?

**Title 10 O.S. Supp. 2005, § 7302-3.6a does not grant the Oklahoma Association of Youth Services exclusive rights to receive a government contract.**

4. Does 10 O.S. Supp. 2005, § 7302-3.6a violate the Oklahoma Constitution by expressly granting the Oklahoma Association of Youth Services influence in the governmental function of designating youth services agencies?

**Title 10 O.S. Supp. 2005, § 7302-3.6a does not violate the Oklahoma Constitution or any provision of State law by expressly granting the Oklahoma Association of Youth Services the ability to recommend entities for designation as Youth Services Agencies, as the final determination of which entities shall receive designation rests with the Office of Juvenile Affairs.**

5. Does 74 O.S. Supp. 2005, § 85.41 (G) (1) require that uniform rate contracts be used for professional services purchased by the Office of Juvenile Affairs from youth services agencies?

**Title 74 O.S. Supp. 2005, § 85.41 (G) (1) and (2) permit the use of nonuniform rate contracts for professional services purchased by the Office of Juvenile Affairs from designated Youth Services Agencies, but only if specifically permitted by the State Purchasing Director. Whether a specific contract is one for professional services raises fact questions that are not addressed in Attorney General Opinions, 74 O.S. 2001, § 18B(A)(5).**

5. Does an appropriation bill that prohibits an executive branch agency from cutting the budget of private contractors violate the Oklahoma Constitution?

**An appropriation bill under Article V, Section 55 of the Oklahoma Constitution may include appropriations for services provided by designated Youth Services Agencies, while cutting appropriations for other Office of Juvenile Affairs programs or services.**

Mr. Olderbak stated the first issue dealt with whether Title 10, Section 7302-3.6a provides currently designated youth services agencies with sole source contracts. The long-held interpretation that Section 7302-3.6a does create such a sole source has been the basis of legal authority for contracting with the same providers every year without award proposals or sole source affidavits. The opinion clearly states that currently designated non-profit youth services agencies do not have exclusive rights to receive government contracts. To be in compliance with the opinion, all pending applications to become a Youth Services Agency must be acted upon as the opinion makes it clear that current designation does not constitute an exclusive right.

One issue is what method of award will be used for the contract beginning July 1, 2006.

A second issue deals with the allowable methods for awarding "negotiated" contracts to youth services agencies. The contracts are currently awarded as Local Project Funds. This was apparently established by a prior DCS Purchasing Director. However, Local Project Funds are only available for contractors which are exempt from the competitive award process and must still be awarded based upon the merit of the project as defined by rules adopted by the awarding.

The third issue addresses the requirement of contracting with the Oklahoma Association of Youth Services for technical assistance and other services. As with each individual youth services contract, the previous interpretation had been that the statute did authorize a sole source contract with OAYS. Therefore, another issue is the proper award method for this contract.

The fourth issue addresses whether the recommendation and/or peer reviews of OAYS were binding on OJA's designation of youth services agencies and the opinion stated that the final determination resided with OJA.

The fifth issue addressed whether the youth services contracts were professional service contracts and subject to a uniform rate. The current Community At Risk contracts are based on a uniform rate, however the prevention contracts are not. Therefore, discussion should be about the approval of nonuniform rates by the State Purchasing Director.

The final issue addressed by the opinion dealt with the annual appropriations bill and holding harmless the youth services agencies appropriation.

Mr. Olderbak stated the most pertinent issue at-hand is how will OJA issue contracts July 1, 2006. The opinion clearly states OJA can't do business as in the past. If the current system is maintained, the Director would have to issue 41 sole source contracts.

After much discussion, the Board decided to appoint a special Board Committee to study these issues and make recommendations to the full Board.

UNDER NEW BUSINESS, A MOTION BY LONELIA SIMMONS WITH SECOND BY GEORGE LINDLEY TO DISBAND THE BOARD AUDIT COMMITTEE CONSISTING OF BOARD MEMBERS JAY KEEL, RAY DON JACKSON AND LONELIA SIMMONS.

MOTION PASSED

Voting Aye:           Charlie Jackson  
                  Ray Don Jackson  
                  George Lindley  
                  Lonelia Simmons  
                  Gary Taylor  
                  Charlie Nobles

Ms. Simmons asked the new Vice-Chairman, Charlie Jackson, to head the new Community Out-Reach Committee. She appointed other members Charlie Nobles and Ray Don Jackson to assist Vice-Chairman Jackson. The Community Out-Reach Committee will set the criteria for contracts for youth services agencies.

Ms. Simons asked Kevin Clagg, Financial Services Assistant Division Administrator, to appoint a representative from the Financial Services Division to assist the Committee in establishing criteria for the program.

Mr. DeLaughter made a recommendation for this committee to set a date for a meeting a State Office to review the accomplishments made in the last six months. The first Community Out-Reach Committee meeting will be held at State Office on Thursday, January 19, 2006 at 10:00 a.m.

Chairman Lonelia Simmons called for a break at 10:00 a.m.

After the break, Marla Parish, Legislative Liaison, gave a report to the Board on the Youthful Offender Task Force and presented the members with a copy of the draft report.

The Youthful Offender Task Force was created to study the *Youthful Offender Act* and related juvenile justice issues, its implementation and effectiveness at treatment, placement, supervision and transferring juveniles adjudicated pursuant to the Act. It is important to note that Judge Glenn Dale Carter, Chairman, has been a long time supporter and believer that youthful offenders should be left in custody until they serve their time.

Findings of the Youthful Offender Task Force of 2005 include the following:

Neither the Office of Juvenile Affairs, nor any other agency or entity has created or administered a program specifically designed for youthful offenders in custody or under supervision of the Office of Juvenile Affairs.

Youthful offenders in custody of or under supervision of the Office of Juvenile Affairs participate in juvenile delinquency programs, competing for bed space and treatment resources to the detriment of juvenile delinquents.

The lack of adequate funding has made it impossible for OJA to meet its statutory requirements leading to a lack of services and staff.

The consolidation of juvenile delinquents and youthful offenders into the same institution and programs compromises the treatment objective for each category.

Adjudicated youthful offenders aid, encourage and abet adjudicated juvenile delinquents to misbehave and coincidentally adjudicated youth offenders, aware of their vulnerability to being bridged to the Department of Corrections, are forced to tolerate abuse at the hands of juvenile delinquents who have little to lose if their misconduct is discovered.

Youth defined by statute as youthful offenders constitute a dangerous, violent and impulsive segment of the population, the majority of whom are amenable to treatment if the specialized facilities, resources and procedures described herein are provided.

An OJA analysis of the population profile of the juveniles reveals that in 1997, 59 percent of the juveniles in the facilities had five or more prior felony adjudications. This increased to 83 percent in FY 2003.

The Legislature did fund the *Youthful Offender Act* in excess of 9 million. What was not funded was the extended length of time that youthful offenders stay with OJA. The committee said the age cap should be higher at 25 or 26 years of age.

The Youthful Offender Task Force of 2005 respectfully submits its proposed changes to the *Youthful Offender Act* and makes the following recommendations:

- 1) Provide funding to fully implement the Youthful Offender Act within the Juvenile Justice System of the Office of Juvenile Affairs.
- 2) Providing funding to the Office of Juvenile Affairs for a study on the cost of building regional and separate secure facilities, to house a maximum of fifty (50) offenders each, and to incrementally construct them and the projected number of youthful offenders that will be affected by the changes presented in this summary.
- 3) Remove the twenty-year age cap of the Office of Juvenile Affairs' provision of custody and supervision of youthful offenders with a moratorium on post-twenty-year-old custody (confinement in a secure institution) until secure facilities are available.
4. Provide funding for recruitment and training of specialized staff to implement programs for youthful offenders in custody or under the supervision of Juvenile Justice System – Office of Juvenile Affairs.
5. Remove the ten-year cap on youthful offender sentences and substitute range of punishment provided by law for adult felony convictions, except capital punishment may not be imposed on youthful offenders. The Office of Juvenile Affairs' authority to exercise custody or supervision terminates at the offender's attaining 25 years of age.
- 6) Provide that any youth fifteen (15), sixteen (16), or seventeen (17) years of age, who is charged the Murder in the First Degree, shall be held accountable for those acts as if that youth were an adult.
- 7) Fix responsibility for early identification of youthful offenders' detention and provision of educational opportunity in county and municipal jails.
- 8) Passage of numerous proposed Legislative Amendments to the existing law as detailed herein.

Ms. Parish stated this report goes to the Legislature and the Legislature will determine how much funding will be

allocated for Youthful Offender.

Dick Parish, Office of Planning and Research, discussed the planning processes of the past. The memorandum outlines the Board's history and explains that in 1999 all state agencies were to develop a strategic plan due in 2001. The even numbered Agencies would submit a new plan in even numbered years. Odd numbered Agencies would submit and update their plans in odd numbered years. Mr. Parish gave the Board a memorandum that refers to the vision goals the Board developed in 2000. Also available were reports given to the Board in 2001 and 2002. The final presentation was in June 2003. During a Board Retreat in November, 2004 an updated Strategic Plan was presented. This new plan was a result of a survey conducted by OJA's Office of Planning and Research. The Plan tried to develop goals that could be measured in prevention, protection, and program development. Mr. Parish presented the Board Members with the Strategic Plan 2005.

Mr. DeLaughter introduced the Retreat Facilitator, Nancy Reese Barnett at 11:00 a.m. Nancy Reese Barrett has worked for the Oklahoma Department of Transportation since 1983. Positions held include Deputy Director of the Aeronautics Commission and Team Leader for the Renaissance Team, an internal government reengineering team.

Ms. Barrett also served as Team Leader on Governor Frank Keating's Governor's Performance Team, a special 10-month project making recommendations for increased effectiveness in state government. She now serves as Assistant Division Manager of the Training Division and manages the Organization Development Branch. She is a member of The International Association of Facilitators and holds a number of certifications in facilitation and training. In July 2002, Ms. Barrett facilitated the development of a strategic plan for OJA's Training Unit, and then in March of 2004, she designed and co-facilitated the agency's first Leadership Summit between JSU and our three institutions.

The Retreat's main function is to set a direction for OJA for the next three years. Below is a listing of those priorities established by the Board members and executive staff in attendance:

Jay Keel entered the meeting at 1:40 p.m.

**Vision Elements:**

<b>Transforming Lives</b>	<b>High Quality Innovative Programs</b>	<b>Valued Staff</b>	<b>Effective Communication</b>	<b>Board Expertise and Involvement</b>	<b>Victim Empathy</b>
Treatment=Success	Benchmark Best Practices	Low turnover in all areas of agency	Effective Communication	More Direction from the Board	Restorative justice; victims feel heard and compensated
Full continuum of care	Nation-leading expertise	Direct resources toward front line staff	Admin: Staff buying in		
Greatly declining violent crimes	Accountability: good measurement	Staff #1 resources: empowered, well-paid, accountable	Providers feel good about contracting with OJA (harmonious relationships with providers and other agencies)		
Client's exposure to a more positive life experience	Evidence-based programs/services for which outcomes measured in all cases	Nationally competitive wages	OJA recognized for accomplishments		
Prevention: family involvement and treatment	Top to bottom excellence	Staff training			
Parent/guardian participation programs	Program Development; bottom-up creativity				

Keep youths out of the system; prevention & education	Get outside the box
More money for prevention and education; less lip service	Safety with compassion for employees, clients & public

**Barriers to the Vision:**

<b>Low Staff Priority</b>	<b>Inflexible Internal Culture</b>	<b>Insufficient Board Orientation</b>	<b>Neglected Victims</b>	<b>Inflexible External Culture</b>	<b>Inadequate Program Assessment</b>	<b>Poverty in Communities</b>
Classification system has too low pay band and insufficient qualifications	Unresolved conflict; internal and external	Unclear Board Roles	Bewildering, fragmented victim's program	Prejudices and biases (fixed perceptions)	Gaps in services	
Biased treatment of employees	Unclear vision	Board unavailable for involvement	Victims being uninformed	Legislative priorities	Under supported program development	
Burnout	Inadequate, complex communication	Undirected, under-developed Board Roles	Poor victim/offender relations	Outside interference		
Low input by staff	Divisions not teams; turf wars	Board is remote; unclear expectations	Neglected victims			
Ineffective, under supported staff	Unjustified internal resistance to change					
High staff turnover	Fixed perceptions					
Underpaid, overworked staff	Bureaucratic confusion					
Under-supported discouraged staff	Bureaucratic					

**Strategic Direction No. 1 – Creating Synergy**

<b>Enhancing Board Involvement</b>	<b>Expanding Collaboration</b>	<b>Marketing OJA</b>

Structured orientation plus self-initiative for more Board involvement	YSA/OJA Joint Board Meeting	Education and marketing and positives
Develop a comprehensive Board training curriculum	Collaboration with other agencies and non-profits	Proactive information sharing
Board training/policy	Unified funding effort; develop JJ coalition	Proactive public relations
Develop a Board job description		Initiate a public relations campaign
Utilize Board skills more efficiently		
Intense training of the Board		

**Strategic Direction No. 2 – Improving Programming**

Improving and Expanding Programs	Increasing Victim Involvement
Prioritize agency goals and implement strategic plan	Victim mediation programs
Develop strategic assessment evaluation of all programs & monitor	ID victims thru faith-based initiatives
Create alternative placements and programs for aftercare	Coop w/ state and fed partners to improve victim programs
Create clients' family empowerment program	Implement restorative justice component/monitor effectiveness

**Strategic Direction No. 3 – Enhancing Employee Recruitment and Retention**

Enhancing Employee Recruitment and Retention
Cross Train
Develop comprehensive recruitment and retention program
Design incentives and strategies to develop a new culture
Recommend and support employee pay raise
Employee recognition and work incentives – flex time
Identify internal money for staff raises
Employee council empowerment

**VOTE TO CONVENE INTO EXECUTIVE SESSION**

MOTION BY CHARLIE JACKSON WITH SECOND BY CHARLIE NOBLES TO CONVENE INTO EXECUTIVE SESSION

MOTION PASSED

Voting Aye: Charlie Jackson  
 Ray Don Jackson  
 Jay Keel  
 George Lindley  
 Lonelia Simmons  
 Gary Taylor  
 Charlie Nobles

**VOTE TO RETURN TO OPEN SESSION**

MOTION BY CHARLIE NOBLES WITH SECOND BY GEORGE LINDLEY TO CONVENE INTO OPEN SESSION  
 MOTION PASSED

Voting Aye: Charlie Jackson  
Ray Don Jackson  
Jay Keel  
George Lindley  
Lonelia Simmons  
Gary Taylor  
Charlie Nobles

There were no Executive Session items requiring a vote.

### **ADJOURNMENT**

MOTION BY JAY KEEL WITH SECOND BY GARY TAYLOR TO ADJOURN THE MEETING.

MOTION PASSED

Voting Aye: Charlie Jackson  
Ray Don Jackson  
Jay Keel  
George Lindley  
Lonelia Simmons  
Gary Taylor  
Charlie Nobles

Minutes approved in regular session on the 17<sup>th</sup> day of February, 2006.

*Lonelia Simmons*

Lonelia Simmons, Chairman

PREPARED BY:

*Linda McLennan*

Linda McLennan  
Secretary to the Board of Directors