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GOVERNOR



FRANK ZUBIA  
DIRECTOR

STATE OF NEW MEXICO  
CRIME VICTIMS REPARATION COMMISSION  
6200 Uptown Blvd. NE Suite #210  
Albuquerque, NM 87110

Video Conferencing Platform– Zoom Meeting

In accordance with the COVID-19, State Public Health Emergency- Executive Order 2020-004 New Mexico Crime Victims Reparation Commission Virtual Meeting information was posted with detailed instructions on the CVRC Website for members of the public to attend and listen via telephone, live streaming or other similar technologies.

Virtual Meeting Called to Order

On May 28, 2020, Commission Chair Lee called the May virtual meeting of the New Mexico Crime Victims Reparation Commission to order at 10:13 a.m. Commission Chair Lee announced the names of those members of the public body who are participating remotely.

The following Commission Members were present via a video conferencing platform:

Marron Lee, Commission Chair  
Mark Myers, Commission Vice Chair  
Erica Jorgensen, Commission Member

The following NMCVRC staff members were present via a video conferencing platform:

Frank Zubia, Director  
MaryEllen Garcia, Grants Bureau Chief  
Moises Valdez, Compensation Bureau Chief  
Cindy Mok, Chief Financial Officer  
Pamela Brendler, State Investigator  
Rose Martinez, Compensation Management Analyst

Guest Participant via a video conferencing platform:

Jacqueline Carter, Acting Administrator, Virgin Island Compensation Program

### **Review Agenda**

The agenda was reviewed by Commission Chair Lee. Commission Member Jorgensen moved to approve the agenda. Commission Vice Chair Myers seconded the motion. The motion passed unanimously.

**Review and Approval of February 27, 2020 Commission Meeting Minutes**

The Commission meeting minutes were reviewed for February 27, 2020 by Commission Chair Lee. Commission Member Jorgenson moved to approve the minutes. Commission Vice Chair Myers seconded the motion. The motion passed unanimously.

**Public Comment**

None

**Agency Financial Report**

Approved FY21 Agency

Ms. Mok updated the Commission about the FY 2020 budget for the period of July 1, 2019 to May 28, 2020 in victim payments. The beginning budget is \$2,620,585 The total amount for victim payouts to date is \$2,441,723. At the current rate of victim payout, the agency projects to expend \$316,365 from crime victim fund balance to cover the payout through the end of the fiscal year.

Ms. Mok also updated the Commission about the current status of Crime Victims Fund. Below is the breakdown of the payments received for the period of July 1, 2019 to May 28, 2020 in Crime Victims Fund by Type:

Restitution: \$52,155

Corrections: \$300,978

Civil Settlement: \$7,784

Penalty Assessment: \$286,882

Total received: \$775,342

Ms. Mok informed the Commission that we have not received the monthly payments from the Correction Department and Administrative of the Courts for the month of May, which the agency should be receiving in mid-June. However, the agency has seen a decrease in the monthly payment amount, as it is lower than what was projected at the beginning of the fiscal year.

**Approved FY21 Agency Budget**

Ms. Mok presented to the Commission an overview for the approved FY 2021 budget. The budget categories are separated by three major funding sources includes the State General Fund, Crime Victim Fund, and Federal Fund with a total budget of \$25 million dollars. In comparison to this fiscal year it is a decrease of \$4.8 million dollars. The majority of the decrease comes from the Federal Fund. In House Bill 2, the State Legislature appropriated a total of \$6.9 million in State General Fund to our agency, which includes \$450,000 for Sexual Assault services and \$100,000 for a budgetary change from Department of Health (DOH) to our agency.

Mr. Zubia informed the Commission with an update to his conversations with Department of Finance Administration (DFA) and the Legislative Finance Committee (LFC) Budget Analysts concerning our potential budget cut of our approved FY 21 agency budget. DFA and LFC currently proposing a 6.7% reduction to agency budget. Mr. Zubia has expressed to the DFA and LFC Budget Analysts that if the agency receives anything above this proposed percentage, it would impact our agency's capacity to operate in a regular manner and would create a huge hardship in conducting business as usual.

On June 18, 2020, there will be a Special Legislative session that will determine the budget cuts for the next fiscal year starting on July 1, 2020.

**New Business**

**CVRC Open Meetings Resolution- Amended (Voting Item)**

Commission Chair Lee reviewed the CVRC Open Meetings Resolution to include an amended version to conduct virtual meetings. This request to amend was ordered and approved by the Attorney General, through the Open Government Division. The Attorney General is statutorily tasked with enforcing the Open Meetings Act, due to

the Covid-19 pandemic. The State of New Mexico declared a Public Health Emergency, which was declared on March 11, 2020 by the Governor.

Commission Member Jorgensen made a motion to amend the changes to the CVRC Open Meetings Resolution, Commission Vice Chair Myers seconded the motion. The motion passed unanimously.

**Consideration of Patient Navigator Expenses/Trauma Recovery Coach (See Attachment)**

Mr. Zubia presented to the Commission information about two new services that are billing CVRC. The Patient Navigator and Trauma Recovery Coach that are available to assistance victims of crime throughout the state and they work with some of our non-profits. Clients have asked if our agency will consider paying for these services that are for medical and counseling. Patient Navigator is a health professional that guides patients through the healthcare system and works to overcome obstacles that are on the way of the patient receiving the care and treatment they require, charges are \$35 per session. A Recovery Coach works with trauma survivors as peers, mentors, guides and educators with the goal of helping their clients understand the recovery process. Mr. Zubia stated that these services are not covered under medical insurance and brought forth to the Commission for guidance and consideration. Mr. Zubia expressed to the Commission some hesitation and concern with these services, due to CVRC funding 172 agencies that provide the same services and duplication is a possibility.

Mr. Zubia asked Mr. Valdez, Compensation Bureau Chief, to continue with this subject matter and provide insight to the Commission. Mr. Valdez stated that an undocumented, domestic violence victim has established herself with an agency that has assisted with navigating services for her that are unfamiliar. Over the last six months, we have received billing for these services that range from \$5 to \$48 dollars based on time, per session. The manner in which these agencies are determining charges is unusual. An example of this service is the All Faiths Receiving Home, they have an unlicensed employee providing these services to victims. Mr. Valdez is asking the Commission if these services can be considered, and if they can be categorized as alternative therapy under compensation.

Mr. Zubia also asked Ms. Garcia for her insight on this subject matter. Ms. Garcia stated that our agency funds 11 child advocacy centers throughout the state and many of them are expanding services with case navigators, and case trackers for victims. These positions assist victims by helping them get through the criminal justice system, community social services and referrals to needed resources. Ms. Garcia also expressed concern about duplication of funding as many positions are funded from Victims of Crime Act Victim Assistance, CYFD, and New Mexico Coalition of Sexual Assault Services funds. Ms. Garcia stated to the Commission that these services appear to be a referral service rather than a delivery of service to victims.

Mr. Zubia expressed to the Commission that the reality of this difficult time with budget cuts being proposed in the double digits it will have a huge impact on our funding to consider these additional services. If the agency budget is cut at 15 percent it would be \$1.5 million. Mr. Zubia acknowledged that CVRC is innovative when it comes to new ideas and projects: however, it would be difficult to fund and consider these services at this time.

Commission Vice Chair Myers stated it could be a good benefit: however, lots of concerns with the services after the discussion. He would consider possible tabling until we know what our budget is. Commission Member Jorgensen stated we do not have the luxury especially with our budget. The legitimacy and not being licensed is also a concern.

Commission Chair Lee reaffirmed the concerns of this matter that appear to be a duplication of funding, along with fraud and abuse being a possibility. A service like this lacks structure and cannot be categorized under alternate therapy. There is a need to clarify information on how essential and effective these services really are.

**Business**

**Grants Updates (VOCA, VAWA, SASP and State) Fiscal Year 2021 STOP VAWA and SASP Continuation Awards (Voting Item)**

Commission Chair Lee and the Commission members wanted to compliment and thank MaryEllen for her hard work that she and her staff are doing. MaryEllen also thanked her staff: Marivel Baca, Lourdes McKenna, Terry Minjares, Jackie Mascarenas and Nicole Avery for the incredible job that they are doing in assisting our victim service providers.

Ms. Garcia, Grants Bureau Chief, informed the Commission of the following:

As of March 17, 2020, due to the stay at home order related to the COVID-19 virus, the Grant Department held weekly zoom meetings to facilitate immediate access to resources, best practices, and trauma informed services. This included (4) zoom gatherings per week over the last eleven (11) weeks, which has allowed the state to maintain trauma informed services and best practices, even during this global pandemic. For the first six (6) weeks we were addressing the immediate crisis, access to equipment, sanitation supplies, confidentiality concerns, congregate care response, the ability to simultaneously provide crisis services and uphold a public health model to decrease the spread.

During the public health emergency resulting from the COVID-19 virus, the Grants Department contacted all subrecipients to discuss continued delivery of services. CVRC has met individually, through zoom and GoToMeetings, with 42 of its providers during this crisis to monitor their capacity, create ability to address gaps in funding, access to technology or other needs. These virtual meetings included a review of current financial states, budgetary needs for unexpected circumstances, and how service delivery was changed.

The match waiver policy, in accordance with Department of Justice guidelines and recommendations, was developed. Match waivers were offered to VOCA Victim Assistance subrecipients who expressed concerns meeting match due to the health pandemic. There were 47 agencies who requested and received approval for a partial match waiver for our FFY2020 awards.

The Grants Bureau Chief has participated in the national weekly calls with the Office on Violence Against Women to address concerns related to the COVID-19 crisis.

The Grants Bureau Chief has been participating in a working group with Children, Youth and Families, the New Mexico Coalition Against Domestic Violence and Coalition to Stop Violence Against Native Women as the statewide domestic violence service definition manual.

The STOP VAWA and SASP Continuation Request for Proposal was issued and all continuation applicants submitted their applications per the solicitation.

The VOCA VA continuation cycle timeline is being prepared and will be sent out to subrecipients for FFY2021.

All FY2021 state grants have been prepared by Marivel Baca, are being routed for signatures for a July 1st start date.

The State Grant continuation awards are being prepared to enter into Web Grants and will be sent out to subrecipients for FY2021.

The Bureau of Justice Assistance received the requested information and released the SAKI award. A subrecipient award was made to the 2nd Judicial District Attorney's office to support these initiatives for the next three-fiscal years.

Ms. Garcia updated the Commission on Rio Grande Valley CASA program in Sierra County. This agency is on their second fiscal year of receiving VOCA funding. Ms. Minjares, Grant Administrator, has been working closely and patiently with the transition process of a new board and a new Executive Director. Ms. Minjares provided technical support for the new director. A meeting was held with the board members addressing concerns about under billing and providing connections, and mentoring with other programs in the state. The issues were about under billing and not with fraud or abuse. The board continued forward with activities that demonstrated that they did not understand the responsibilities of a board with relation to an Executive Director. Upon that meeting, the board decided to terminate the VOCA award and the Executive Director's position.

A meeting was held with the new board and a member of one of their state representatives in their area to discuss resending the request to terminate. This request was submitted to Mr. Zubia for a final decision before the time frame of the 30-day window of cancellation.

As of today, CVRC has accepted to continue forward with the program and our agency is working with CASA closely to provide the guidance and mentoring and technical assistance needed for their success.

Commission Chair Lee was pleased to hear that there was a good outcome with the Rio Grande Valley CASA program.

Commission Member Jorgensen made the motion to approve State Fiscal Year 2021 STOP VAWA and SASP Continuation Awards, Commission Vice Chair Myers second the motion. The motion passed unanimously.

#### **Agency Personnel Matters**

Director Zubia stated to the Commission that Cindy Mok has been doing an amazing job by taking on additional responsibilities with facilitating and communicating with State Personnel Office on agency's personnel matters, in addition to her primary duties. Due to the Covid-19 crisis, our agency will be extended to continue being a part of Shared Services. They were going to cancel in April. State Personnel has issued a state-wide hiring freeze for the next year with the only exception being essential positions. Mr. Zubia informed the Commission that we are in the process of requesting an exception to hire two federally funded positions. Our agency has a new State Personnel representative. He is familiar with our policies and procedures. At this time, all funded positions are on hold including personnel matters such as pay increases, and anything associated with finance are on hold. CVRC is in the process of revising all our agency's policies by July 1, 2020. We must revise policies that are different from State Personnel policies. Robin Brassie will be assisting our agency and has access to policies from nationwide counterparts.

Mr. Zubia informed the Commission that Joann Ziegler, Administrative Secretary, has submitted her resignation and tomorrow will be her last day. Commission Chair Lee and the Commission members wish her well.

Mr. Zubia stated to the Commission that he has an amazing group of employees and their productivity has increased since we have been teleworking. He added that his staff has been providing services to our victims' state wide while dealing with their small children from home.

#### **Proposed Gap Analysis by the NM Sentencing Commission**

Director Zubia informed the Commission that he met with Linda Freeman from the New Mexico Sentencing Commission to workout logistics in April. At that time, it was unknown that we would be facing a budget reduction. The agency will have to determine if our agency can afford or have the budget to take on this project. Our Administrative and General funds are expected to be used efficiently. Ms. Mok was asked to give projections to DFA on what to anticipate as a reversion and how much money our agency will revert back to the state. DFA is watching closely every expenditure and expenses our agency submits and not approving any addition expenses. Mr. Zubia along with his staff Ms. Mok, Mr. Valdez, and Ms. Garcia will meet to determine if our agency can sustain and continue to work with the Sentencing Commission.

Commission Chair Lee directed Mr. Zubia and staff to attend the Special Legislative session and assertively get answers to why our agency is not receiving the projected rate of funds from the penalty assessment legislation. This legislation was passed and signed to help fund our agency. A study would be helpful to accumulate data or possibly a memorial by one of the Legislators to figure out where the funds are going. Mr. Zubia informed the Commission that the agency is exploring the idea to use federal funds to support this research project. He will reach out to Program Manager to inquire if this is possible.

Mr. Zubia informed the Commission that some Legislators still continue to be unfamiliar with our agency. Recently, there was a State Representative in Sierra County that was unaware of what our agency does. Director Zubia will reach out to some of his counterparts and get information how they reach out to their Legislators.

**Executive Session**

At 11:06 a.m., Commission Member Jorgensen made a motion to enter into Executive Session. Commission Vice Chair Myers seconded the motion.

A poll of the Commission Members was made as follows: Commission Vice Chair Myers, aye, Member Jorgensen, aye, Commission Chair Lee, aye.

Mr. Zubia allowed guest Ms. Carter to be present during Executive Session. She signed a confidentiality waiver.

At 11:30 a.m., Commission Member Jorgensen made a motion to come out of Executive Session. Commission Vice Chair Myers seconded the motion. The motion passed unanimously.

Commission Chair Lee stated that pursuant to Section 10-15-1(J) NMSA 1978 the matters discussed in the closed meeting (Executive Session) were limited only to those specified in the motion for closure.

**Actions on Items Discussed in Executive Session (Voting Item)**

- 201845- Patient Navigator
- 202922- Trauma Recovery Coach
- 203294- Good Cause

Commission Chair Lee made the motion not to approve claims #201845 and claim #202922, Commission Member Jorgensen seconded the motion. The motion passed unanimously.

Commission Chair Lee made the motion to restrict approval for counseling for Claim 203294, Commission Member Jorgensen seconded the motion. The motion passed unanimously.

The next Commission meeting has been scheduled for Thursday, June 25, 2020 at 10:00 a.m. at 6200 Uptown Blvd. N.E., Suite #210, Albuquerque, NM in the conference room. This could change to a virtual meeting depending on direction from the Attorney General.

**Adjourned**

Commission Member Jorgensen moved to adjourn the Commission meeting. Commission Vice Chair Myers seconded the motion. The motion to adjourn passed unanimously.

The virtual meeting adjourned at 11:31 a.m.

APPROVED: Marron Lee DATE: 05/29/20  
Marron Lee, Commission Chair