

STATE OF NEW MEXICO
CRIME VICTIMS REPARATION COMMISSION

MICHELLE LUJAN GRISHAM
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 of New Mexico Public Health Emergency- Executive Order 2020-004 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 January 14, 2021, Commission Chair Lee called the January virtual meeting of the New Mexico Crime Victims Reparation Commission to order at 10:00 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 webcast:

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

The following NMCVRC staff members were present via webcast:

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

Review Agenda

The agenda was reviewed by Commission Chair Lee and made a motion to the approve the agenda, Commission Vice Chair Myers seconded the motion. The motion passed unanimously.

Review and Approval of November 19, 2020 Commission Meeting Minutes

The Commission meeting minutes were reviewed for November 19, 2020 by the Commission. Commission Vice Chair Myers made a motion to approve the meeting minutes. Commission Member Jorgensen seconded the motion. The motion passed unanimously.

Public Comment

None

Agency Financial Report

Ms. Mok updated the Commission regarding the FY2021 budget position report on victim payments for the period of July 1, 2020 through January 14, 2021. The victim payment budget started in the amount of \$2,503,589. The

Commission Meeting January 14, 2021

total amount for victim payouts as of the first week of January is \$1,166,212. At the current rate victim payouts, the projected victim expenses amount is \$1,253,530 for the remaining fiscal year. The agency projects a remaining budget balance of \$83,847 balance to be carried over into to the next fiscal year.

Ms. Mok reviewed with the Commission the Crime Victim Fund payments status. As of today, the agency has collected \$325,011. The agency has not received all the payments for the month of December. At the next Commission Meeting, Ms Mok will update the amounts received up to the month of December and possibly January. Ms. Mok has previously reported to the Commission that CVRC is not meeting the projected revenue target. In the month of November, CVRC collected \$20,701 less than what was projected.

FY 2021 Crime Victim Fund payments received for the period of July 01, 2020 to January 14, 2021 by type:

Restitution: \$23,243

Corrections: \$187,128

Civil Settlement:\$4,108

Penalty Assessment: \$110,532

Total received: \$325,011

Ms. Mok presented the FY2022 budget recommendations from the Department of Finance and Administration (DFA) and the Legislative Finance Committee (LFC) to the Commission. DFA's recommendation is to flatline the agency's FY2022 budget in State General Appropriation to the same funding level at the current fiscal year (FY2021) operating budget. LFC's recommendation is to concur with the agency proposed FY2022 budget request, which include a budget reduction of 3.57 %, plus an additional budget reduction of \$8,700. If the legislature adopted the LFC's recommendation, all stated funded programs will receive a 5% cut in FY2022. The state funded programs include sexual assault services, human trafficking victim services, Intimate Partner Violence Death Review Team and civil legal services and helpline. Both DFA and LFC recommended no change to the proposed FY2022 budget in the Crime Victims Fund and Federal Fund. Ms. Mok informed the Commission that DFA recommended that the agency total budget for FY2022 be \$24.5 million, when the LFC recommended \$24.2 million.

Commission Chair Lee expressed frustration and concern with the penalty assessment that the agency is not receiving and asked about the status of the research contract with UNM. Mr. Zubia informed the Commission that the agency had encountered a funding glitch and now are in the process of finalizing the contract with UNM. Mr. Zubia stated that he and Ms. Mok have determined that the agency will be able to sustain the project and proceed forward.

Mr. Zubia informed the Commission that he along with Ms. Mok will be presenting our FY2022 budget in a virtual budget hearing on January 27, 2021. Our Agency's DFA and LFC budget analysts will be present at the hearing. Mr. Zubia will update the Commission at the next meeting with the status.

Ms. Mok updated the Commission on the status of the agency's FY2020 audit. It was submitted to the State Auditor's Office on January 4, 2021. Commission Chair expressed her discontent with the auditor. His unprofessional and irresponsible actions caused the agency's annual audit to be submitted late, which resulted in a finding in the agency's FY2020 audit. Mr. Zubia informed the Commission that he has conveyed the agency's dissatisfaction to the audit firm. Due to their policies, procedures and practices, which have impacted our audit. Mr. Zubia stated that otherwise there would not be any recommendations or findings.

New Business

Commission Election for Chair (Voting Item)

Mr. Zubia requested a nomination for Commission Chair. Commission Vice Chair Myers made the motion to re-elect Commission Chair Marron Lee, and Commission Member Jorgensen seconded the motion. Commission Chair Lee accepted the nomination. The motion to re-elect Commission Chair Lee passed unanimously.

Mr. Zubia requested a nomination for Commission Vice Chair. Commission Chair Lee made a motion to re-elect Vice Chair Myers and Commission Member Jorgensen seconded the motion. Commission Vice Chair Myers accepted the nomination. The motion to re-elect Commission Vice Chair Myers passed unanimously.

Adoption of 2021 Open Meetings Resolution (Voting Item)

Commission Member Jorgensen moved to approve the Adoption of the 2021 Open Meetings Resolution. Commission Vice Chair Myers seconded the motion. The motion passed unanimously.

Adoption of 2021 Commission Code of Conduct

Commission Member Jorgensen moved to approve the Adoption of the 2021 Commission Board Code of Conduct. Commission Vice Chair Myers seconded the motion. The motion was passed unanimously.

Review and Approve Compensation Guide for Eligibility Determination and Expense Policies (Voting Item)

Mr. Zubia presented to the Commission the *Compensation Guide for Eligibility Determination and Expense Policies* that CVRC uses to determine eligibility. In addition, Mr. Zubia informed the Commission that he is in the process of setting up a meeting with Rules and Regulations for some time this year to update policies that our agency uses in determining eligibility for victims. The policies presented have been aligned with our statutes and are enhanced to assist all victims across the state.

Mr. Zubia informed the Commission that their input and their knowledge of the policies is vital in the review process. Today, each policy will be reviewed thoroughly one by one and any changes will be made if warranted by the Commission. Upon reviewing each policy there will be a vote by the Commission to approve or make changes to these policies.

Mr. Zubia stated it is important to establish a record of the Commission's review and approval process of these policies. This will ensure that proper procedures are followed by our agency in the event there is an audit from State or Federal offices. CVRC will abide by any changes to the policies upon approval from the Commission.

Funeral/Burial Expense Policy- Mr. Zubia commented on this policy which was an issue on a past audit concerning approval of funeral clothing from the Office of Victims of Crime (OVC). OVC indicated that our current policies do not expressly allow for the purchase of funeral clothing for the deceased. It is important for CVRC to revise its policies to align with traditional, Native American beliefs and practices around burials. For example, within many Native American traditions, a coffin is not used, but a traditional blanket.

The Commission reviewed and asked Mr. Zubia to make changes to or enhance the following policies:

Eyeglass Policy- Commission Chair Lee requested a revision of this policy to include Corrective Lenses. Mr. Zubia informed the Commission that he would revise the policy.

Security Device Policy- Commission Chair Lee requested that this policy should include protection devices that can be implemented for a victim's protection. Mr. Zubia stated to the Commission that our agency has approved self-defense classes, security cameras, or security devices for victims of domestic violence, sexual assault, stalking and harassment. At the next meeting, the funding of other potential self-defense resources will be reviewed with the Commission.

Replacement Service Policy- Mr. Zubia reviewed and informed the Commission that law enforcement agencies have confiscated personal property from victims. Law enforcement have confiscated cell phones for evidence and have left victims without a phone. Commission Chair Lee was dissatisfied to hear that police agencies are taking phones from our sexual assault victims. Mr. Zubia informed the Commission that it is a common practice and they do this quite often with domestic violence and stalking victims as well. Mr. Zubia added that the police reports do reflect that the victim's phone was taken for evidence. This documentation enables our agency to move forward and assist the victim.

Service Animals Policy- Mr. Zubia informed the Commission that this policy only applies to dogs. Commission Member Jorgensen inquired if the *Boarding Policy* applies to service animals only and if it is the same as the *Service Animal Policy*? Mr. Zubia informed Commission Member Jorgensen that a revised copy was sent through email today and that the two policies are not the same.

Commission Chair Lee requested that under *Relocation and Rental Assistance Program (RRAP) Policy* it should include or consider verbiage that we can house animals in kennels if victims have to go a hotel or shelter. With this service the victim would be able to get away from the offender knowing that they can be safe and their animal too. Our agency can pay for boarding and kenneling and include this service under Relocation and Rental Assistance Program (RRAP) Policy. Mr. Zubia stated that the policy can be enhanced to be more inclusive.

Ms. Garcia informed the Commission that CVRC and Children, Youth and Families Department fund Animal Protection of New Mexico who support kenneling pets and animals for survivors fleeing abusive relationships. Animal Protection of New Mexico supports a wide range of animals including horses and cattle. Ms. Garcia added that all of the thirty-two shelters use Animal Protection of New Mexico, as well as some domestic violence shelters who are equipped to handle this request.

Mr. Zubia requested that Commission Chair Lee facilitate a meeting with Rules and Regulations in the next few months to align the Compensation Guide Policies. Policies reviewed and approved by Commission were as follows: Expenses Paid for Primary and Secondary Claims, Compensation Application Eligibility Determination, Medical Expense Policy, Counseling Expense Policy, Dental Expense Policy, Funeral/Burial Expense Policy, Medicine Man Policy, Eyeglasses Policy, Travel/Airfare/Lodging/Meals Policy, Loss of Wages Policy, Loss of Support Policy, Relocation and Rental Assistance Program Policy, Alternative Medicine Policy, Childcare Policy, Security Device Policy, Crime Scene Cleanup Policy, Replacement Services Policy, Medication Management Policy, Medicinal Marijuana Policy, Boarding/Kenneling Policy, Service Animals Policy.

Commission Chair Lee called for a vote to approve the *Compensation Guide for Eligibility Determination and Expense Policies* as presented and also to accept the changes proposed. Commission Member Jorgensen made a motion to approve, and Vice Chair Myers seconded the motion. The motion passed unanimously.

Business

Grants Update (VOCA, VAWA, SASP and State)

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

The Grants Department continues to hold weekly zoom meetings to facilitate immediate access to resources, best practices and trauma informed services during the COVID-19 health pandemic.

Ms. Garcia informed the Commission that most of the congregate care shelters staff within our state are in the process of being vaccinated. In addition, direct services staff and SANE nurses across the state are able to obtain the vaccination.

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

The Grants Bureau Chief continues to participate on the Board of the Association of VAWA Administrators.

The VOCA Victim Assistance Subgrant Award Reports have been submitted to the Office for Victims of Crime.

The Office for Victims of Crime VOCA Victim Assistance Administrator Biannual Summit was held on December 3, 2020. The Grants Bureau Chief presented on the collaboration and work CVRC continues to do with our Coalition to Stop Violence Against Native Women.

Commission Meeting January 14, 2021

The FY2022 STOP VAWA Request for Proposal was issued on January 13, 2021, with a due date of February 26, 2021.

The FY2022 SASP Request for Proposal will be issued by January 15, 2021, with a due date of February 26, 2021.

Ms. Garcia informed the Commission that she is requesting that a member from the Commission is needed to participate on the STOP VAWA Solicitation proposal committee. It will be held virtually and hosted by CVRC. At the end of the week, a SASP solicitation will be issued.

Ms. Marivel Baca, State Grant Administrator, is working on the State Solicitation for Civil Legal Services that will be issued by January 22, 2021.

The Grants Department staff continues to provide technical assistance to programs and projects around the state. Also, continue to receive quarterly financial and programmatic reports from all programs.

Status of Youth Visions VOCA Assistance FFY2021 Award

Ms. Garcia informed the Commission that she has reviewed all the information from the Youth Visions financial report. It appears there was no fraudulent activity with our agency. Ms. Garcia stated that her department will continue to work on updating their time and activity records on their general ledger to properly reflect the time salary. The Executive Director's time salary was not 100% dedicated towards VOCA when looking at the totality of her salary. The Grants Department will be working with Youth Visions to close out their FFY2020 award and the agency is no longer eligible and will close out their FY20 award.

Lyft/Uber Fees for Medical and Court Appointments

Ms. Garcia informed the Commission that the Grants Department is included language within its VAWA and SASP solicitation that reviews access to transportation. The solicitation is collecting information as to how agencies work to reduce barriers to accessing services, which includes transportation. The Grants department will be collecting this information moving forward in the proposal review process. Some providers who are non-profits have access to vehicles that were purchased by CVRC. Ms. Garcia stated that this information will be gathered across the board including governmental and non-governmental agencies.

Mr. Zubia informed the Commission that after the solicitation is complete and the Commission will be informed with the findings.

Executive Session

At 10:51 a.m., Commission Vice Chair Myers made a motion to enter into Executive Session. Commission Member Jorgensen 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.

At 10:51 a.m., Commission Chair Lee asked for a motion to come out of Executive Session. Commission Member Jorgensen made a motion to come out of Executive Session and 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)

211440- Good Cause

202794- Good Cause

Commission Meeting January 14, 2021

Commission Chair Lee reviewed with the Commission Claim #211440 for Good Cause. Commission Vice Chair Myers made a motion to approve and Commission Member Jorgensen seconded the motion. The motion to approve passed unanimously.


Commission Chair Lee reviewed with the Commission Claim #202794 for Good Cause. Commission Vice Chair Myers made a motion to approve and Commission Member Jorgensen seconded the motion. The motion to approve passed unanimously.

The next Commission meeting has been scheduled for Thursday, February 25, 2021 at 10:00 a.m. at 6200 Uptown Blvd. N.E., Suite #210, Albuquerque, NM in the conference room. The Commission meeting 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 10:54 a.m.

APPROVED:  DATE: 2/25/21
Marron Lee, Commission Chair