

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

Meeting Called to Order

On January 26, 2023, Commission Chair Summa called the January meeting of the New Mexico Crime Victims Reparation Commission to order at 10:00 a.m.

Commission Chair Summa announced the names of the Commission members of the public body and acknowledged those who are participating in person and virtually.

Mr. Zubia conducted the roll call of the Commission meeting, and it as follows: Commission Chair Summa, aye, Commission Vice Chair Karst, aye, Commission Member Stewart, aye., Commission Member Brown, aye. Mr. Zubia informed the Commission that there is a quorum with four Commission members present.

The following Commission Members were present via web cast:

Allyn Summa, Commission Chair
David Karst, Commission Vice Chair
Randal Brown, M.D., Commission Member
Kim Stewart, Dona Ana County Sheriff, Commission Member

The following NMCVRC staff members were present via web cast:

Frank Zubia, Director
Cindy Mok, Chief Financial Officer
Moises Valdez, Compensation Bureau Chief
Donna Richmond, Grants Bureau Chief
Debra Yepa, State Investigator
Jacqueline Hernandez, Administrative Secretary
Valerie Martinez, Victim Advocate
Rose Martinez, Compensation Management Analyst

The following attendees were present via web cast:

Delilah Tenorio, Assistant Attorney General's Office

Review Agenda

Commission Members reviewed the agenda and Commission Chair Summa asked for a motion to approve the agenda. Commission Member Brown made the motion to approve. Commission Member Stewart seconded the motion. The motion to approve the agenda was passed unanimously.

The roll call vote of the Commission was as follows: Commission Chair Summa, aye, Commission Vice Chair Karst, aye, Commission Member Stewart, aye., Commission Member Brown, aye.

Commission Meeting January 26, 2023

Review and Approval of November 17, 2022, Commission Meeting Minutes

Commission Chair Summa and Commission members reviewed the Commission meeting minutes for the November 17, 2022. Commission Member Brown made a motion to approve the meeting minutes. Commission Vice Chair Karst seconded the motion. The motion to approve the minutes passed with a three to one vote. Commission Member Stewart abstained from the vote.

The roll call vote of the Commission was as follows: Commission Chair Summa, aye, Commission Vice Chair Karst, aye, Commission Member Stewart, abstained from vote, Commission Member Brown, aye.

Public Comment

No Public Comment

Agency Financial Report

Ms. Mok presented the FY 2023 Crime Victim Fund Budget Status report to the Commission. Below are the payments received for the period of July 01, 2022, to January 18, 2023, by type:

- Restitution: \$32,006
- Corrections: \$187,313
- Civil Settlement: \$5,881
- Penalty Assessment: \$82,831
- Total received: \$308,031

Ms. Mok reviewed with the Commission the Crime Victims Funds Status report totaling **\$308,031**. Ms. Mok informed the Commission that the payments from the Department of Corrections and the Administrative Office of the Courts (AOC) for the month of December are not included until the end of the month of January. At the next meeting, Ms. Mok will present an update to the Commission.

FY23 Victim Payment Budget Position and Crime Victims Fund Status

Ms. Mok updated the Commission regarding the fiscal year FY2023 budget position report regarding victim payments for the period of July 1, 2022, through January 19, 2023. The victim payment budget started in the amount of \$2,308,200. The total amount of the compensation victim payouts as of January 19, 2023, is \$1,336,796.

Ms. Mok informed the Commission that at the rate CVRC is paying out, CVRC will be paying approximately **\$1,290,941** million to close out the fiscal year. Ms. Mok provided a spreadsheet with the projected expenses per week. In addition, CVRC will have a projected a negative balance of \$319,537. As presented to the Commission, CVRC will need to utilize the federal award allocation and CVRC's fund balance to cover the negative balance.

Mr. Zubia informed the Commission that although we have a projected negative balance to close out the fiscal year. CVRC can utilize the fund balance to close out the fiscal year. CVRC normally utilizes the funding from Administrative Office of the Courts (AOC) and the Corrections Department funds first.

Commission Chair Summa inquired if there was other funding to CVRC that can be utilized. Mr. Zubia informed the Commission that the Federal Government does compensate CVRC for every state dollar spent by matching it with \$0.75.

Commission Chair Stewart inquired about the different amounts that are on the FY23 Victim Payment Budget Position report. Mr. Zubia informed the Commission that the weekly payment batches fluctuate weekly. In addition, Mr. Zubia informed the Commission that CVRC is paying 22% more than the previous year and could possibly be as high as 30% more at the current rate expenses are processed.

Commission Meeting January 26, 2023

Mr. Zubia informed the Commission that in the Legislative Session they are looking to eliminate the fines and fees which is an unintended consequence because it is a revenue stream for our agency, if eliminated this would have a significant impact on our agency.

Mr. Zubia informed the Commission that he would keep them apprised with any new information.

New Business

Commission Election for Chair (Voting Item)

Mr. Zubia presented to the Commission with the nomination of Allyn Summa for Commission Chair. Commission Member Brown made a motion to accept and approve this nomination and Commission Member Stewart seconded the motion. Commission Chair Summa nominated Commission Member Karst for Vice Chair. Commission Member Brown made a motion to approve the nomination of Commission Vice Karst and Commission Member Stewart seconded the motion.

Commission Chair Summa and Commission Vice Chair Karst accepted their nominations. The motion to approve the new nominees was passed unanimously.

The roll call vote of the Commission is as follows: Commission Chair Summa, aye, Commission Vice Chair Karst, aye, Commission Member Brown, Commission Member Stewart, aye.

Mr. Zubia congratulated Commission Chair Summa and Commission Vice Chair Karst.

Adoption of 2023 Open Meetings Resolution (Voting Item)

Ms. Tenorio provided information and guidance to the Commission regarding Duties of the Commission Board. Ms. Tenorio referenced the Statute 10.40.1.8, Section C, regarding the Adoption of 2023 Open Meetings Resolution. In addition, Ms. Tenorio informed the Commission of the rules and regulations required to change meetings to a hybrid format.

Commission Chair Summa and Commission Members are interested in continuing the hybrid format for future Commission meetings as an option for those Commission members that are located locally and that representation from communities across the state was important and has been successful due to virtual participation.

Mr. Zubia stated to the Commission that he was pleased with the statewide representation of CVRC's current Commission members. Mr. Zubia informed the Commission that this issue will be placed as an agenda item at the next meeting for further discussion.

Commission Member Brown moved to approve the Adoption of the 2023 Open Meetings Resolution. Commission Vice Chair Karst seconded the motion. The motion passed unanimously.

The roll call vote of the Commission is as follows: Commission Chair Summa, aye, Commission Vice Chair Karst, aye, Commission Member Stewart, Commission Member Brown, aye.

Adoption of 2023 Commission Code of Conduct (Voting Item)

Ms. Tenorio provided information and guidance to the Commission regarding the Adoption of 2023 Commission Code of Conduct to a new Commission or whenever there is a Commission member's term that has expired. Ms. Tenorio referenced the statute 10.40.1.8, pursuant to Section 10-16-11 NMSA 1978. The Adoption of 2023 Commission Code of Conduct will be for the duration of the Commission Member's term and reviewed annually to determine whether any amendments should be made.

Commission Member Brown made a motion to approve the Adoption of the 2023 Commission Board Code of Conduct. Commission Member Stewart seconded the motion. The motion was passed unanimously.

Commission Meeting January 26, 2023

The poll of the Commission is as follows: Commission Chair Summa, aye, Commission Vice Chair Karst, aye, Commission Member Brown, Commission Member Stewart, aye.

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

Mr. Zubia informed the Commission that the *Compensation Guide for Eligibility Determination and Expense Policies* that CVRC uses to determine eligibility which is reviewed every year and amended as needed. In addition, Mr. Zubia informed the Commission that CVRC will work closely with the Attorney General's Office to review, change and schedule a "Rule and Regulations" clean up to make it match current conditions.

Mr. Valdez reviewed with the Commission proposed changes to the *Compensation Guide for Eligibility Determination and Expense Policies*. Mr. Valdez informed the Commission that a proposed change is to the following policies:

Counseling Expense Policy-For homicide cases, in the event of contributory denials or reductions, a restricted approval for counseling only may be considered for a total of \$10,000.00 max.

Travel/Airfare/Lodging/Meals Policy-When available, mileage must be calculated from one physical address (ex. Victims home address) to another physical address (ex. Counselor office). When an address is unavailable, a city or town can be used as one point.

Loss of Wages (LOW) Policy-During the first fourteen (14) calendar days after the date of incident, we will not consider accrued leave (annual/sick/paid time off [PTO]) as a collateral source. After the first fourteen (14) calendar days, accrued leave is considered as a collateral source. Loss of wages will be calculated at 92.35% (100% - 7.65% Social Security/Medicare) of the gross amount earned.

Relocation and Rental Assistance Program (RRAP) Policy-The biggest change to the policy is our relocation cap will be increased to \$1,750.00 and our rent is also at \$1,750.00 for 3 months, whichever occurs first.

Towing Policy - Towing and impound fees, associated with the victimization may be considered for payment or reimbursement up to a max of \$500.00.

Mr. Valdez informed the Commission that these changes in the *Compensation Guide for Eligibility Determination* will take effect on January 26, 2023.

Commission Chair Summa asked for a motion to approve the changes to the *Compensation Guide for Eligibility Determination and Expense Policies*. Commission Member Brown made a motion to approve, and Commission Member Stewart seconded the motion. The motion passed unanimously.

The roll call vote of the Commission is as follows: Commission Chair Summa, aye, Commission Vice Chair Karst, aye, Commission Member Brown, Commission Member Stewart, aye

Office of Inspector General (OIG), Sub-grantee Site Visit, January 23, 2023

Mr. Zubia informed the Commission that there was a site visit from the Office of Inspector General (OIG) at the Life Link in Santa Fe. The Life Link is one of CVRC's sub-grantees. The agency assists victims of Human Trafficking.

Mr. Zubia will keep the Commission informed regarding the Life Link's site visit.

Office of the Chief Financial Officer (OCFO) Site Visit, February 14-16, 2023

Commission Meeting January 26, 2023

Mr. Zubia informed the Commission about the site visit from the Office of the Chief Financial Officer (OCFO) on February 14, 15, and 16. They have requested financial documents and will be reviewing policies and procedures. In addition, they will review eight (8) federal awards, sub-grantee awards, agency monitoring polices, victim compensation files and related expenses.

Mr. Zubia will keep the Commission apprised of the site visit. Mr. Zubia thanked Ms. Mok and her team and the grants department for the great job preparing all the initial information for this site visit and Commission Chair Summa concurred with Mr. Zubia. Commission Chair, Allyn Summa would be at the “entrance conference” scheduled for Tuesday, February 13, 2023, at 9:00 a.m.

CVRC FY22 Agency Audit Approved by Office of State Auditor

Ms. Mok informed the Commission that CVRC’S FY22 Agency Audit was approved by the Office of the State Auditor and had no recommendations and no findings. This audit report is published on the CVRC website.

Mr. Zubia informed the Commission that the approved audit will be sent to all Commission members electronically.

CVRC FY2024 Agency Budget, House Appropriation Finance Committee Hearing

Mr. Zubia reviewed with the Commission a spreadsheet provided by Ms. Mok to demonstrate CVRC’s FY2024 Agency Budget request and the House Appropriation Finance Committee Hearing that was attended by Commission Chair, Summa, Mr. Zubia, Ms. Mok, Ms. Richmond and Mr. Valdez.

On the spreadsheet, Ms. Mok presented in detail the CVRC FY2024 Budget request, Department of Finance Administration (DFA) recommendation, and the Legislative Finance Committee (LFC) recommendation.

Ms. Mok informed the Commission that the LFC recommendation is what was approved, and it was not the amount that CVRC and DFA recommended.

Commission Chair Summa expressed her disappointment in the process and thanked Mr. Zubia, Ms. Mok, and staff for their support and hard work.

CVRC Agency Personnel

Mr. Zubia informed the Commission that Grants Bureau Chief MaryEllen Garcia resigned from our agency. Mr. Zubia introduced Ms. Donna Richmond as the new Grants Bureau Chief. Ms. Richmond has extensive experience that she brings to CVRC. She has worked with the Las Cruces Police Department, Dona Ana District Attorney’s Office, and was the Director of La Pinon in Las Cruces and the American Red Cross.

In addition, Mr. Zubia introduced Valerie Martinez, Victim Resource Specialist and Jacqueline Hernandez as the Administrative Secretary.

Mr. Zubia informed the Commission that CVRC anticipates being fully staffed by February.

Commission Chair Summa welcomed the new CVRC employees.

Business

Grants Status Report (VOCA, VAWA, SASP and State)

Mr. Zubia informed the Commission that Ms. McKenna, VOCA Grant Administrator is in Hawaii for a training and provided the Commission with a list of Community events and meetings.

Meeting was held on December 6, 2022, to provide VOCA funding updates with subrecipients
All agencies completed the Annual Subgrantee Award Report, and these were reviewed and approved

Commission Meeting January 26, 2023

Towing Fees

Mr. Zubia informed the Commission that Commission Vice Chair Karst provided the Albuquerque Police Department's Procedural Orders for the Commission to review. The Commission reviewed the Procedural Orders and determined that there are no policies they can change. The consensus of the Commission CVRC is to move forward and place a cap on towing expenses.

Mr. Zubia informed the Commission that CVRC will be working with Albuquerque Police and the towing companies to determine what are the fees they charge and proceed from there.

Mr. Zubia thanked the Commission for their support and thanked Commission Vice Chair Karst for obtaining the Albuquerque Police Procedural Orders.

Commission Chair Summa thanked Mr. Zubia and Commission Vice Chair Karst for their hard work.

Executive Session

At 12:05 p.m., Commission Chair Summa asked for a motion to enter Executive Session. Commission Member Brown made a motion and Commission Member Vice Chair Karst seconded the motion.

A roll-call vote of the Commission was as follows: Chair Summa, aye, Commission Vice Chair Karst aye, Commission Member Stewart, aye, Commission Member Brown, aye.

At 12:55 p.m., Commission Chair Summa asked for a motion to come out of Executive Session. Commission Member Brown made a motion and Commission Vice Chair Karst seconded the motion. The motion passed unanimously.

Commission Chair Summa 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)

203260

223517

231419

231586

Director Zubia reviewed with the Commission claim #203260 for trailer to transport medical equipment. The will of the Commission regarding claim #203260 was to approve. The motion to approve was passed with a three to one vote.

The roll-call vote is as follows: Commission Chair Summa, aye, Commission Vice Chair Karst, nay, Commission Member Stewart, aye, Commission Member Brown, aye.

Director Zubia reviewed with the Commission claim #223517 for purchase of transportation. The will of the Commission regarding claim #223517 is to deny. The motion to deny was passed unanimously.

The roll-call vote is as follows: Commission Chair Summa, aye, Commission Vice Chair Karst, aye, Commission Member, Stewart, aye, Commission Member Brown, aye.

Director Zubia reviewed with the Commission claim #231419 for good cause and reimbursement. The will of the Commission regarding claim #231419 was to approve. The motion to approve was passed unanimously.

Commission Meeting January 26, 2023

The roll-call vote is as follows: Commission Chair Summa, aye, Commission Vice Chair Karst, aye, Commission Member Stewart, aye, Commission Member Brown, aye.

Director Zubia reviewed with the Commission claim #231586 for good cause, funeral expense, and 90 counseling sessions. The will of the Commission regarding claim #231586 is to approve. The motion to approve was passed unanimously.

The roll-call vote is as follows: Commission Chair Summa, aye, Commission Vice Chair Karst, aye, Commission Member Stewart, aye, Commission Member Brown, aye.

The next Commission meeting has been scheduled for Tentative February 23, 2023, 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 Chair Summa adjourned the meeting.

The meeting adjourned at 1:01 p.m.

APPROVED:  DATE: 2/23/2023
Commission Chair Summa