

STATE OF NEW MEXICO
CRIME VICTIMS REPARATION COMMISSION

MICHELLE LUJAN GRISHAM
GOVERNOR



FRANK ZUBIA
DIRECTOR

STATE OF NEW MEXICO
CRIME VICTIMS REPARATION COMMISSION
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Albuquerque, NM 87110

Meeting Called to Order

On March 23, 2023, Commission Chair Summa called the March meeting of the New Mexico Crime Victims Reparation Commission to order at 10:02 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 remotely.

The following Commission Members were present:

Allyn Summa, Commission Chair
David Karst, Commission Vice Chair (Virtual)
Cody Rogers, Attorney, Commission Member (Virtual)
Sheriff Kim Stewart, Commission Member (Virtual)

The following NMCVRC staff members were present:

Frank Zubia, Director
Donna Richmond, Grants Bureau Chief
Moises Valdez, Compensation Bureau Chief
Cindy Mok, Chief Financial Officer
Kristen Wood-Hegner, VAWA Grant Administrator
Debra Yepa, State Investigator
Leslie Valenzuela, State Investigator
Mercedes Barr, State Investigator
Tylai Fox, State Investigator
Rose Martinez, Compensation Management Analyst
Alexis Torres, State Investigator
Jacqueline Hernandez, Administrative Secretary

The following Attorney General's Office attendees were present:

Delilah Tenorio, Assistant Attorney General

Review Agenda

Commission Members reviewed the agenda and Commission Chair Summa asked for a motion to approve the agenda. Commission Vice Chair Karst 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 Rogers, aye.

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Review and Approval of February 23, 2023, Commission Meeting Minutes

Commission Chair Summa and Commission members reviewed the Commission meeting minutes for February 23, 2023. Commission Member Karst made a motion to approve the meeting minutes. Commission Member Stewart seconded the motion. The motion to approve the minutes passed unanimously.

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

Public Comment

No Public Comment

Agency Financial Report

FY23 Victim Payment Budget Position and Crime Victims Fund Status

Ms. Mok updated the Commission regarding the FY2023 budget position report regarding victim payments for the period of July 1, 2022, through February 24, 2023. The victim payment budget started in the amount of \$2,308,200. The total amount of the compensation victim payouts as of February 24, 2023, is \$1,766,443.

Ms. Mok informed the Commission that there are 18 weeks remaining in the state fiscal year. In addition, CVRC will have a projected negative balance of \$374,420.

As previously presented to the Commission, Ms. Mok informed the Commission that the negative balance projected will be paid with the VOCA Victim Compensation federal award funding.

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 March 14, 2023, by type:

Restitution: \$55,399

Corrections: \$302,956

Civil Settlement: \$5,881

Penalty Assessment: \$118,629

Total received: \$482,866

Ms. Mok reviewed with the Commission the Crime Victims Funds Status report totaling **\$482,866**. Ms. Mok informed the Commission that CVRC has not received the funds from the Correction's Department for the month of February when this report was created.

Ms. Mok informed the Commission that when we receive the February and March funds, she will have an updated report at the next Commission Meeting. In addition, Ms. Mok informed the Commission of an interesting point for the month of January, after our preliminary Legislative Finance Committee hearing, CVRC was receiving less than requested for our agency budget. Subsequently, after the legislative session the agency received almost all that had been requested from the legislature. Ms. Mok was pleased to see the increase and is looking forward to future occurrences.

Commission Chair Summa was also pleased to see an increase to CVRC's victim fund balance.

Ms. Mok presented to the Commission a detailed report of the FY 2024 Agency Operating Budget Overview was not available until March 17, 2023, when the Legislative session came to a close.

House Bill 2, an appropriation bill, passed by both the House and Senate and is waiting for the Governor to sign.

Ms. Mok explained the breakdown on the report and explained in detail to the Commission how the categories are separated.

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Ms. Mok presented a breakdown and explained what the codes represent. The **P706** represents the Victim Compensation Fund, and it is \$4,643.9, **P707** represents the Grants Administration Fund, and it is, \$21,740.1. The code **78000** is for CVRC fund of \$26,384. The detailed report also showed the comparison of the FY 2023 Operating Budget and the increase/decrease ratios.

In addition, Ms. Mok provided the Commission a breakdown of the General Fund increase of the \$1.8 million from the FY 2024 Agency Operating Budget Overview from House Bill 2 (HB 2).

Ms. Mok outlined the comparison from the CVRC Initial Report request of \$3 million and the HB 2 appropriated from the House and Senate (pending the Governor's signature) for \$1.8 million.

Ms. Mok provided to the Commission a breakdown of Senate Bill 192 that was proposed in this year's Legislative session. The House and Senate appropriated to CVRC a Junior Appropriation bill.

Also, Senate Bill 192 provided additional appropriation for CVRC to use statewide and separated the breakdown for use in specific victimizations, counties and cities.

Ms. Mok informed the Commission that the total amount for Senate Bill 192 is \$2,075,000. Our agency received eight different appropriations from this bill, and it will be used for domestic violence, sexual assault, child abuse, human trafficking, homicide victims, violent crime, and missing and murdered people in northwestern New Mexico.

Ms. Mok informed the Commission that Senate Bill 192 is a non-recurring appropriation and will end on June 30, 2024. Ms. Mok informed the Commission if there are any changes to Senate Bill 192, The Department of Finance Administration (DFA) will notify CVRC of any changes.

Ms. Mok will inform the Commission of any agency budget changes.

Mr. Zubia informed the Commission that CVRC will be reaching out to the Legislators concerning Senate Bill 192. This appropriation will be solicited through the RFP process to agencies that provide the description of services outlined in the bill.

Mr. Zubia stated to the Commission that CVRC will reach out to various Legislators and ask what their intentions are in regard to the distribution of these funds.

Mr. Zubia also stated to the Commission that CVRC must follow the procurement procedures and expressed that funds are limited to how agencies can spend the funding. He added that distribution of funds has to follow certain guidelines as well.

Mr. Zubia stated to the Commission that this appropriation funding will continue to be a topic on the Commission's agenda until July 1, 2024.

Commission Chair Summa commended Mr. Zubia, that CVRC's commitment to creativity to find ways to assist the various agencies to use these funds properly when assisting victims of crime. Mr. Zubia will keep the Commission apprised of any changes that he receives.

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New Business

Office of Crime (OVC) Site Visit Monday, April 3, 2023

Mr. Zubia informed the Commission that The Office for Victims of Crime (OVC) will be conducting a site visit on April 3-6, 2023. Kerry Lupher, Program Manager from Washington D.C. will be reviewing approximately 150 documents and various general ledger and spreadsheets for review.

Commission Chair Summa inquired when was the last time OVC conducted a site visit. Mr. Zubia informed the Commission that the last visit was in 2018 and that audit took eight months to close.

Mr. Zubia informed the Commission that he can set up a Zoom link if any Commission Member would choose to participate virtually.

Legislative Status

Mr. Zubia updated the Commission that the House and Senate passed the bill to eliminate the penalty assessment of fines and fees. The Governor is expected to sign this bill. The Legislator who initiated this bill has provided a *Sunset Clause* to take effective on July 1, 2024, to allow agencies to find additional revenue or appropriations.

Mr. Zubia informed the Commission that CVRC is strategizing and searching for new appropriations that will become available to our agency to continue serving crime victims. Mr. Zubia stated to the Commission that this bill that was passed will affect our agency's funding for victims of crime.

In addition, Mr. Zubia informed the Commission that CVRC has been tasked with creating a task force for gun violence in New Mexico. This task force is under the Senate Memorial 69. This new task force would involve various organizations and unfortunately, it does not have any appropriations to support it.

Senator Antoinette Sedillo-Lopez is the Senator that sponsored it. Mr. Zubia informed the Commission that he spoke with Senator Sedillo-Lopez and informed her that it would take approximately two years for a comprehensive assessment and possible recommendations of this task force.

Mr. Zubia informed the Commission that CVRC is exploring ways to change the rules and regulations to consider assisting families with missing relatives. Currently, CVRC's statutes do not allow our agency to assist due to being a missing person is not a crime, but a status.

Mr. Zubia informed the Commission that legislation would need to take place to make this a possibility. Currently, CVRC is the only state considering assisting these families of missing persons. Other state compensation programs are also considering this type of legislation change to their eligibility requirements.

Mr. Zubia will keep the Commission updated on any new information.

Assistant Attorney General Ms. Tenorio informed the Commission that her meeting with Senator Pinto to change the CVRC rules and statutes required to assist with funding associated with Missing Women and persons. According to the Senator Pinto the bill was not inclusive enough and training was needed as well.

Ms. Tenorio stated that it is not considered a crime to be missing. Ms. Tenorio is part of The Missing and Murdered Indigenous Woman and Relatives (MMIWR) Task Force, and she will try to work together with CVRC and the Attorney General's office to develop a plan of action.

Ms. Tenorio will keep the Commission informed of any new developments.

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Commission Chair Summa thanked Mr. Zubia for his hard work and stated that she is aware of this massive problem and is available to assist CVRC to find a way to assist these victims and their families of missing women and persons.

In addition, Commission Chair Summa looks forward to CVRC being the first in the nation to provide this assistance and lead by example.

Commission Member Stewart commented to the Commission and Director Zubia to work with the FBI for assistance with how they track victims.

Commission Retreat

Mr. Zubia discussed with the Commission setting up a date and place for a retreat for the Commission and CVRC leadership staff. In the past, the retreat usually would take place on a Friday (Full Day) and Saturday (Half Day). Mr. Zubia informed the Commission that a training would be set up with a speaker, Dan Eddy with the National Association of Crime Victim Compensation Boards.

Mr. Zubia asked Commission members if how they feel about attending a retreat? All the Commission members unanimously were in agreement that they would participate.

Mr. Zubia informed the Commission that he will send an email with locations and dates to get a consensus to what will work for all Commission Members.

Business

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

Ms. Donna Richmond, Grants Bureau Chief, informed the Commission that interviews are being conducted for a Grants Program Specialist. The Grants Team have selected a group of qualified candidates and expect to hire for the open position soon.

Ms. Richmond informed the Commission that the Peer Review will take place on April 14, 2023.

In addition, Ms. Wood-Hegner and Ms. Richmond have completed the virtual course “The Office on Violence Against Women” (OVW) new subgrantee orientation. Ms. Richmond stated to the Commission that the training was informative and was conducted over a three-week span.

The Grants Team is preparing to conduct an on-site financial and program review of selected subrecipients.

Ms. McKenna, VOCA Grant Administrator, relayed subrecipient information to the Commission regarding attendance at the New Mexico Children’s Alliance quarterly meeting in Santa Fe. This meeting provided updates and information to CAC agencies.

The OJP Office of the Chief Financial Officer conducted a site visit and information was provided on award processes, grant monitoring, and agency procedures and reviews of subrecipient invoicing. The NIA/NM Resource Center has been dealing with disruptions with Board Management. The agency has kept CVRC updated with information related to changes to the new Board Membership.

The Grants team completed a Risk Assessment of all currently funded agencies and developed a preliminary site visit/monitoring plan for this calendar year. Ms. McKenna met with leadership of Esperanza Shelter and other funders of this program to discuss reopening shelter services and discuss staffing challenges for the agency.

Ms. Baca, State Grant Administrator, provided the Commission with detailed information regarding State Grants, Sexual Assault Service Program Funds and Junior Bills.

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Ms. Wood-Hegner, VAWA Grant Administrator, provided subrecipient information to the Commission. The Request for Proposals for State Fiscal Year 2023 VAWA funds was issued on February 20, and a grant writing webinar was posted on February 24. Applicants have until March 20 to submit their proposals. The Grants Team has been providing technical assistance to applicants throughout the process. Subrecipients continued to submit their annual progress reports for VAWA STOP and SASP.

Agency Personnel

Mr. Zubia introduced to the Commission the agency’s newly hired staff. Alexis Torres, Mercedes Barr, and Tylai Fox were introduced as the newest State Investigators joining the CVRC team. Mr. Zubia added that our agency did have one State Investigator that retired and CVRC will be filling the position after July 1, 2023.

Mr. Valdez informed the Commission that the State Investigators are averaging a caseload of about 150 per person.

Commission Chair Summa and the Commission welcomed CVRC’s new staff members.

Executive Session

At 11:04 a.m., Commission Chair Summa made a motion to enter into executive session. Commission Member Rogers second the motion to enter into executive session.

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

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)

Personnel Matter

Commission Chair Summa and Commission members discussed in Executive Session a private personnel matter.

At 11:56 a.m., Commission Chair Summa made a motion to come out of Executive Session. Commission Vice Chair Karst seconded the motion to come out of Executive Session.


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

The next Commission meeting has been scheduled for Thursday, April 27, 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 11:58 a.m.

APPROVED:  DATE: April 27th 2023
Commission Chair Summa