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**Nevada State Juvenile Justice Oversight Commission
Full Commission Meeting
August 10, 2018**

Meeting Minutes - DRAFT

Roll Call: Judge Egan Walker- not present; Joey Orduna Hastings- present; Brigid Duffy- present; Darin Imlay- present; Emanuel Torres- present; Eve Hanan- present; Frank Cervantes- present; Gianna Verness- present; Jack Martin- not present; Jackie Pierrott- present; Jo Lee Wickes- not present; John Lambrose- not present; Katie Hickman- not present; Kierra Bracken- present; Dr. Lisa Morris Hibbler- not present; Justice Nancy Saitta- not present; Myra Rodriguez Gallindo- not present; Patrick Schreiber- present; Paula Smith- present; Pauline Salla Smith- present; Rebekah Graham- present; Ricardo Villalobos- not present; Ross Armstrong- present; Scott Shick- present; Deputy Chief Shawn Anderson- not present; Assemblyman Ohrenschall- present; Assemblyman Oscarson- not present; Judge William Voy- not present; Judge Thomas Stockard- not present

Public Comment: None

Meeting Minutes:

Commissioner Joey Orduna Hastings: Okay. So with that, we have quorum. Thank you to those of you who are participating on the phone, and in Las Vegas. Is there any public comment in Las Vegas? Is there any public comment on the phone? And is there any public comment here in Carson City? Okay. So, with that, we have a couple of presentations today that are informational. The Open Meeting Law presentation was emailed out earlier today and is available. We highly encourage everyone to review that and listen attentively today

to the presentation. I believe we have Sarah Bradley here from the Attorney General's Office. Come and join us at the table. And Jennifer Spencer? No?

Deputy Attorney General Jennifer Spencer: We have a substitute for Ms. Bradley.

Commissioner Joey Orduna Hastings: Okay. We'll have the attorneys introduce themselves for the record, please.

Deputy Attorney General Jennifer Spencer: Good afternoon. My name is Jennifer Spencer and I'm with the Attorney General's Office.

Commissioner Joey Orduna Hastings: If you wouldn't mind, ma'am, to press the button with the little light. There you go. Thank you.

Deputy Attorney General Jennifer Spencer: Good afternoon. My name is Jennifer Spencer and I work with the Attorney General's Office.

Greg Ott: Good afternoon, Madam Chair. Deputy Attorney General Greg Ott with the Attorney General's Office, Boards and Open Government Division.

Commissioner Joey Orduna Hastings: Thank you both for being here. With that, you may please begin.

Deputy Attorney General Greg Ott: Thank you, Madam Chair. So, it is up there. I can start the presentation from here. Let me see. Okay. So, thank you all for giving me the time to do this presentation to you. I will not read the slides. I trust that you can all do that yourselves. So, I will try to instead give you what I think are some of the important points. Having said that, if any of you have questions at any point, if you think that there's something that I'm missing or something you'd like to hear more about, please interrupt me. I'll be looking at my notes and looking at the presentation there. Please jump in and ask questions as needed. I know everybody is thrilled by the Open Meeting Law and probably has lots of wonderful questions they want to ask. So, this is the first slide. It's just kind of an overview. It represents all of the good things we do representing the State of Nevada. Doing the public's work is important and valuable work. There are some good quotes here that just sort of explain that. Next one is a little bit more specific to the Open Meeting Law. I like to think that this is the, why is the Open Meeting Law necessary, slide. The third one on the bottom there, I think, is the most important because it talks about how important the Open Meeting Law is and why it's necessary. If you think about it, we're all doing the public's business. You guys are here to serve the public. And so, the Open Meeting Law is created so that the public can be informed of those processes, and also participate as necessary. So, if you think about what the Open Meeting Law is, requiring agendas to be posted so that the public can read them and know what's going to be discussed. Requiring time for the public to come and give comments, requiring that the agendas have those items posted clearly. It's really all focused upon making sure the public has a right to know what's going on, and to come and participate. I know that it presents significant hurdles, and it presents restrictions on public bodies, but if you think about it in the mindset of, it's all really trying to make sure the public has the ability

to participate in what we're doing, it will make—at least in my perspective—it makes those hurdles a little bit less frustrating at times. Oh. I skipped one. I'm sorry. So, this is more information about the Open Meeting Law. It talks a little bit about what a public body is. For your purposes, the most important thing to know is that you are one. So, you're covered by it. The citation there is NRS 62B.600, which created the body. So, when you're created by statute, you are going to be covered by the Open Meeting Law. The next slide talks about what is a meeting. This sort of meeting is the touchstone of when the Open Meeting Law kicks in. So, one of the things that's important to know is, what a meeting is. For those of you who are mathematically inclined, I'd like to think of it as a simple equation. A meeting is a quorum of the body, plus either deliberation or action. So, quorum is going to be a simple majority of the total members. That means two of you, three of you talking about things, is not going to be a quorum. That's not going to be a meeting. A whole bunch of you at a basketball game talking about basketball is not going to be a meeting, because you need the deliberation or the action. There's some slides that go into that a little bit later but remember that those are the two components. You're going to need the body, and you're going to need the deliberation or the action. This slide talks about the next important pillar of the Open Meeting Law, which is about the notice. I talked about how important it was to make sure that the public was aware of what's going to go on, so that they had the opportunity to participate. This probably won't affect most of you because the agendas are normally getting put together with the Chair, sometimes the Vice-Chair, sometimes staff, and they're going to handle the posting and the agendizing. The most important thing, I think, for public bodies to understand about notices and agendas is, once the agenda is set and it's posted, you're pretty much stuck with that at the meeting. So, even if the most important thing in the world comes up in the middle of the meeting and you want to talk about it, and you think it's going to be great for the public, all you can really do is ask to have that agendized at a future meeting. Otherwise, even though you think it's a great idea and somebody might want to talk about it, there might be 100 members of the public who didn't know it was going to come up and had wonderful stories that they wanted to tell you, and they're not going to be able to share those stories with you before you go on to your deliberation or action. So, for your purposes, once the agenda is set, you're going to stick to that. If you veer from that, the only real veering you're going to be allowed is to set something up for a future agenda. Just say, hey, can we put a pin in this? Can we put it in the parking lot? Something to that extent. Critical definitions. I talked a little bit about deliberation and action earlier. Those are set forth in NRS 241.015. I'm not going to read them to you. They're in your materials. They kind of mean what you think they mean if you have an understanding of what deliberation means. Working day is important because certain things must be agendized, and notice must be given to the public. Agendas all have to be posted three working days in advance of the meeting by 9:00 a.m. Working day is Monday through Friday, except for legal holidays. Clear and complete again, we're still on agendas. The requirement for the agenda is that items must be posted with language that is clear and complete. This gives a little bit of context to what clear and complete means, adds some meat on the bones. One of the important things to remember—and this is logical if you go back to the original statement that I made, which is, it's all focused on making sure the public has the ability to participate. There's going to be increased scrutiny on items where there is great public concern. So, if you know the public is really interested in something, you want to make sure that agenda item is particularly clear and complete because the public has an increased interest in that, and there will be increased

scrutiny. That's the one tidbit to focus on with clear and complete. Again, that's probably going to apply mostly to staff and to the Chair. This has to do with public bodies taking administrative action against a person. I don't believe that it's within this within this body's jurisdiction to take disciplinary action. Am I wrong about that? Okay. So, this probably won't affect you, but just know that if you're going to be talking about a specific individual, that person would be entitled to specific notice. So, they get a letter 21-days in advance. It's important for Boards to do licensing, that are going to be taking people's licenses or talking about their conduct. It probably doesn't apply to you guys all that much, but if you do end up in a situation where you're going to end up talking about a specific individual for any reason, just know that there is probably going to be an additional notice requirement, and your staff and your Chair would have to work to make sure that that was done far enough in advance for you to make the meeting happen. It's 21 working days if mailed. More notice and agenda requirements here. The important thing to note here is the last bullet point, which talks about restrictions on comments by the public, general public. As you just heard a minute ago, the Chair is going to ask for public comment at the beginning of every meeting. She'll do it again at the end of every meeting. Those comments can be restricted if you have tremendous amount of public who shows up. A lot of meetings will limit their public comment to three minutes, or something like that. You can have reasonable restrictions on those public comments, but those comments have to be posted on the agenda. So, I don't see any public comment restrictions posted on your agenda right now. It probably means that it's unrestricted, which means the public can come and say whatever they want. If you do get to a point where your meetings are being slowed down, you can't get to your business because of public, just know that you have the ability to limit that comment if you want to. Additional requirements. This is about public access. Again, going back to that original touchstone of making sure the public has a right to, and an ability to attend. That applies to accommodating people with physical disabilities. If you have a great place for a meeting and you want to be in some location that is really important to the work that you do, just be aware that you're going to have to make sure that everybody is able to attend that. Ramps, elevators, things like that. That's going to apply as well. It can also apply in public comment. For instance, if you have a person with a speech difficulty who has difficulty getting their comments out, you have to make sure that that person has the equal ability to communicate to all of the others who come and make comments. So, I just want to make sure that everybody has a right to participate equally. This slide talks a little bit about the additional meeting requirements, and some of the specific things that have to happen. Making material that's available to the Board, available to the public as well. Making sure that the meetings are recorded. Making sure that minutes are kept. So, these are specific and technical requirements. I think that the meeting minutes are going to be kept in accordance by the staff. Just be aware that there are some specific requirements. So, sometimes people say, oh, these minutes are a little too long, do you think we could cut these down? There are specific requirements in statute, and that's going to dictate what you have to meet. To mail, or not to mail? This is a very specific slide. Individuals have a right to get notice of your agendas. If somebody has an interest in the work that the body is doing, and they want to be apprised of when every meeting is, they can make a request of your staff and they go on a mailing list, and they'll get those agendas sent out to them, so they know exactly when and where you guys are going to meet. This is about whether those agendas can be emailed out or should be mailed out physically. State notice website. Again, this is more about what your staff and

your Chair are going to do. There is a specific website that has the notice of all the public meetings in the state, that agendas will be posted on. Notice.NV.gov, That's what it looks like. Again, this should be taken care of by staff in the posting process. This is a requirement that the posting details are kept. You have to keep the details of the date and the time, the address of the location, where they're physically posted. In addition to the electronic posting, there is physical posting requirements as well. Expectations, there are some expectations to the general requirements that meetings be open and accessible to the public. The two main ones are to consider the character alleged misconduct professional competence of a person—which probably doesn't apply to you very much. The other one that is used often is to get legal advice from your attorney regarding threatened or existing litigation. So, in the event that you do something, and you end up getting sued, nobody wants to talk about their legal strategy in front of opposing counsel. So, there is an expectation that you can meet with your attorney to talk about threatened or existing litigation. It allows you to meet and discuss. It doesn't really allow you to vote. So, if you're going to take some action like authorizing that attorney to do something that needs a public action, that would need to be in the meeting or, in an open meeting. But the information from the attorney could come via closed session.

Public comment pitfalls. Talked a little bit before about public comment and how it's necessary at the beginning and at the end of every meeting. One of the frequent ways that Boards will get into trouble and will get complaints lodged with the Attorney General's Office against them is because of an individual from the public feels like they haven't had their right to participate. You could probably understand that being told, no, you can't talk to a public body, is a touchstone for a lot of people. So, this gives kind of an overview of some of the things that are common pitfalls that public bodies fall into. Halting a comment based on the viewpoint of the speaker. I told you earlier you can limit public comment to three minutes. What you can't do is say, well, I'm going to let everybody who agrees with me have three minutes, but you other people are only going to get a minute-and-a-half. If there's ever a place where the room is too full you can't say, I'm going to have half the people who agree with this testy proposition on one side, and half the people on the other. If there's extra people, you guys are just gonna have to wait outside. You really have to let the public participate independent of their viewpoint. Again, if you think about it, as a public body, you need to hear from them. If that means that the public comment is running 9:1 against, then you need to understand that it's running 9:1 against. It doesn't mean you have to abide by it, but you can't censor it in a way that makes you look like you're playing favorites. Halting comment critical of a public official. Sometimes public comment is going to be critical. That doesn't mean that the person is not allowed to speak their mind. There is an ability for the presiding officer to halt comments because they're unduly repetitive, or they stray from the scope, or if it's willfully disruptive. People just can't get up here and yell and obstruct the meeting. If that happens, you can warn them. You can tell them to sit down. If they continue to be disruptive, you can ask them to leave. If they're just getting up here and politely telling you that they think that you're doing a terrible job, you get to listen to them. So, why is all this stuff important? I think, number one, it's really important that actions taken in violation of the Open Meeting Law are void. Everybody is here to make sure that business of the body is done, and to further the goals of the body. If you violate the Open Meeting Law and someone says, hey, they took this action without notifying it, or, they deliberated in private, or, they did something that was especially prohibitive, and they file a complaint with our office, we have an ability to come back and say, that action was void. We can bring an action

in district court, or we can tell you the action is void. They're different avenues but know that the action can be voided. That means that whatever good work you tried to do, you're going to have to go do again, or you're not going to be able to do because maybe now the will of the committee has changed. So, make sure that you're doing things right the first time. It's going to make it easier for your decisions not to be disturbed. It's going to save you time with regard to complaints. It's going to make sure that the work does get done in a timely manner. It's going to save you time to do more important things. Not more important things, but additional important things, I should have said. A couple other things on this slide. If there is a violation and we don't think that there is a need to have an action voided, you may just get a letter saying that the Open Meeting Law has been violated, and you'll need to agendaize that on your next meeting. You may need to revote on that item. Again, the desires of the body understands the mistake, and goes on and learns from it so that it doesn't happen again. If you do find that an action has been taken in violation of the Open Meeting Law and you choose to take corrective action, either because a complaint was rendered or just because one of you woke up in the middle of the night and said, oh, we didn't do that right, know that that corrective action is going to be perspective. So, if you violate the Open Meeting Law on a Tuesday and then a month happens and then you say, oh, we've got to fix it, and you do it the next month, that fix is only effective upon the next month. You can't retroactively go back and fix it so that it would be good for the month prior to. This is more information on corrective action. You have to clearly denote it on your Agenda Item, and you have to independently deliberate. Again, you can't go back and rubber stamp what you've already done. You've got to go through, listen to public comment, listen to people, and honestly deliberate again. Using technology for meeting. This is a good one that I think I'll spend a little bit of time on since I'm doing okay on time. A lot of public bodies use electronic communications to communicate tele-conferences to the south, tele-conferences to the north. A lot of people call in from Elko. That's great. A lot of people also use email and text messages now-a-days. Those are also great ways to communicate with each other. It's also an easy way to violate the Open Meeting Law. I've mentioned before that two of you can talk about whatever you want to talk about, but if you get to a quorum, then you get into trouble. Emails and text messages are tremendously easy to forward, or tremendously easy to pass along. If one of you emails somebody else about an idea, that might not be a problem, but when that person emails another person, you get one plus one, plus three, plus four, and all of the sudden you've accidentally violated the Open Meeting Law when you weren't meaning to. The advice that I like to give public bodies is, if you have something that's going to be pertaining to the jurisdiction of the Board, email your staff and have them put it on an agenda. Just have the discussion in public so that everybody knows what's going on. The danger of communicating privately, even though you may be doing your best to try to advance the work of the Board to save yourselves time, it can just get you into too many problems because of how easy email and public communications are to forward around these days. So, make use of your staff. If there's information that something needs to be communicated, make use of your staff and say, hey, should we send an informational item out to the entire Board? Refrain, I would say, from discussing things amongst yourselves which are within the jurisdiction of the public body. Additional points, parliamentary procedure, Robert's Rules of Order is not discussed in the Open Meeting Law. It's generally understood that Robert's Rules of Order are followed. There's a citation there if anybody is uncertain or wants to dig deeper into that. Disclosure and abstention is something that comes into play sometimes,

probably not particularly with this body, but possibly. If there is, I recommend that you reach out to your attorney as soon as possible. Have a conversation and say, hey, do I need to abstain? The rules are in NRS 281A.420. There's some additional slides that talk about the main things that are concerns is making sure that people don't use their public positions to get personal profit for themselves, their friends, their businesses, anything in that manner. Again, if you feel like there's a connection that might be a problem, have a conversation with your attorney, and your attorney would probably appreciate it if you have that conversation before the meeting. I've had that conversation where it's right before the meeting and they said, oh, while we're on a break, I'd like to tell you about this thing that might be a conflict. What do you think? I said, well, I would have liked to have thought about it three weeks ago, because you might want to look at documents, contracts, if there's complex things. So, as soon as it occurs to you, just have the conversation. If you need to recuse yourself, then go ahead and recuse yourself. This is more detail about the ethics laws. It's contained in NRS Chapter 2, 81A. There is a Commission on Ethics. They can give advisory opinions if you have a particularly thorny issue that you want to reach out to them. As I said, a lot of it is going to be preventing you from using positions in government to enrich yourself or those close to you. Disclosure of gifts, suppressing inside information. Abstention from articles where there is a possibility of the appearance of a conflict. Attorney General Opinions. This is good. Not necessarily strictly Open Meeting Law related, but if there are issues of law in which you have concerns about, you can request for opinions from the Nevada Attorney General. It's not a quick process. So, if you ask, make sure that it's going to be several months. It will be a formal opinion that gets issued and published by the office and gets reviewed by multiple attorneys. That doesn't mean that every time you want to talk to your attorney you have to get an official opinion. You can ask your attorney all the time for different advice, but if you want a formal opinion which gets published and you can hold up and say, look, the Office of the Attorney General has approved this, there is a formal process that can go—that you can go about to get that. It's contained in NRS 228.150. Oh. I didn't want to end. I just wanted to go to slide 27. There are a lot of excellent manuals that our office publishes. I will caution you, I think the Open Meeting manual is somewhere between 80 and 90 pages. So, think of it as an encyclopedia. If you want to look something up, look it up. I wouldn't recommend particularly reading the whole thing unless you are passionate about the Open Meeting Law, or have difficulty sleeping, but I do recommend them as resources. We also have a Rule Making manual, Public Records manual, Ethics manual. All of those links are all here for you to look up. Like I said, they are good resources to get you to the information that you want. The other thing I recommend is calling the office if you have a question. You've got an attorney. Sarah's email information was on here. I'll give you—mine is not, because I was not originally supposed to do this presentation, but I'm here. My information is the same as Sarah's. Instead of, Sarah Bradley, it's G-O-T-T. It's only four letters. My phone number is 6-8-4-1-2-2-9. So, any of you call me anytime. Give me an email, I'm happy to discuss anything. I'm happy to take questions now too, if anybody has something. Otherwise, I will consider it a victory that I came in under time. Thank you for listening.

Commissioner Joey Orduna Hastings: Thank you, Mr. Ott. Are there any questions in Las Vegas? Are there any questions on the phone? Are there any questions here in Carson City?

Commissioner Ross Armstrong: This is Commissioner Armstrong. I think one of the things that we run into most often is, we are getting ready for a committee meeting or a meeting and then we fall short of a quorum. At that point, is it best just to terminate that meeting all together? Or if there are informational items that we're supposed to have that day, can they proceed with informational presentations?

Deputy Attorney General Greg Ott: Deputy Attorney General Greg Ott. Excellent question. I will say that the safest course is not to give the appearance of a meeting when you don't have the quorum to deliberate or to take action. I think it's important for you to be able to discuss with your counsel what's going on, and what the need is specific to the time crunch, to see if there's another way that you can meet that time crunch. If you don't have a quorum, you're not going to be able to act anyway. So, I don't know what good the informational item would do without the ability to take action. But if there is a need to get specific information to one person or another, it may be possible for you and your counsel to come up with a way to get the information to the person that needs to, without having something that looks like a meeting which really isn't—which is one of the ways that people can violate the Open Meeting Law. Is that helpful at all?

Commissioner Ross Armstrong: Yes. Thank you.

Deputy Attorney General Greg Ott: I should have mentioned one other thing. I meant to touch on subcommittees earlier. Whenever this public body creates a subcommittee to do its work, you may have a work committee, if you delegate the ability to do anything more than just fact-finding, you're going to be subject to the Open Meeting on that subcommittee as well. So, make clear who the members are. I recommend that subcommittees are usually in odd numbers because your quorum is going to be a majority. So, if you have four, then your quorum is going to be three. It's a lot harder than if you have three and your quorum is going to be only two. So, usually getting to that even number doesn't really help you out. It's easier to make quorum when you have odd numbers. But those subcommittees are also generally going to be subject to the Open Meeting Law as well.

Commissioner Joey Orduna Hastings: Any other questions? I do have one. One of the things that we've been asked using technology, are email votes allowed in lieu of not having a quorum? So, if we don't have a quorum today, can we then issue the question via email and have people email a vote?

Deputy Attorney General Greg Ott: Generally, no. I can't think of a way that that would be able to be done under the existing Open Meeting Law. I can't really think of a way in which it would be done with an amendment to NRS, because like I said, of the requirement for the public to be able to participate. Again, it's not allowed now, but I'm trying to think of how you would do it with a BDR. I think you'd have to have some sort of notice in advance of the vote, posting, allowing the public to participate. I almost think even if it was considered by the legislature, it would end up being more difficult than just having a meeting. You can have people participate telephonically at meetings if you're having trouble making quorum. Unless you have specific bylaws that prohibit that, you can always have people call in to a meeting. You do have to have a physical location for the public to show up, but members of

the public body do not necessarily have to be in that location if your bylaws and rules allow them to participate telephonically and vote telephonically.

Commissioner Joey Orduna Hastings: Great, thank you for confirming. Okay. Deputy Attorney General Spencer, did you want to comment? Or are you on the next Agenda Item?

Deputy Attorney General Jennifer Spencer: This is Jennifer Spencer with the AGs Office. Yes. I represent the Board. So, I just wanted to come in-person and introduce myself. I work up in Elko, Nevada. It's about five hours away, but I wanted to make sure I came and introduced myself. You can always contact me. My email is easy to remember as well. It's, JSpencer, S-P-E-N-C-E-R, @ag.gov—I believe it is. Same as Sarah's, but just change the name. Also, you're welcome to call me. My phone number is 7-7-5-7-5-3-1-2-2-4, if you ever have any questions. If I don't know the answer right away, I will certainly get back to you as soon as possible.

Commissioner Joey Orduna Hastings: Great. Thank you. Are you going to be speaking as to the lobbying prohibition as well?

Deputy Attorney General Jennifer Spencer: Yes. I have a few things I wanted to mention about that.

Commissioner Joey Orduna Hastings: So with that, we will thank you, Deputy Attorney General Greg Ott, for your time and the presentation. We look forward to reading that manual in detail.

Deputy Attorney General Greg Ott: Thanks, guys. I appreciate you staying awake for the entire presentation. It was really helpful.

Commissioner Joey Orduna Hastings: Thank you. Okay. Please proceed with the next item.

Deputy Attorney General Jennifer Spencer: Thank you. So, the question was posed to me as to whether the Commission members can lobby with the legislature. So, there is some general information I think everybody pretty much knows is that, when you receive federal funding, you're not allowed to lobby based upon that funding. That can include grant monies from the federal government. So, essentially, if you're going to lobby, you can't be using any type of grant money. I'm looking at the statute with NRS 218H. When you look at that statute and under 218H.080, lobbying does not include persons who confine their activities to formal appearances before legislative committees, and clearly identify themselves in the interest or interest for them, for whom they are testifying. So, when I read that, I see that's something this Commission does, rather than lobbying per say. Additional definitions of when you do not lobby includes, employees of departments, division or agencies of the state government who appear before a legislative committee only to explain the effect of legislature related to their departments, divisions, or agencies. So, I would think that there may be occasion where this Commission, or members, can act in that capacity. In addition, another example of not lobbying includes elected officers of the state, and its political subdivisions who confine their lobbying activities to issues directly related to the scope of

the office to which they were elected. Those are all examples of how you're not lobbying, so I would say that you would confine yourself to those examples under that statute. And, the Governor has appointed this Commission, so you are to provide recommendations to the Governor. I would say that basically you would not be lobbying, but just make it clear that you're not acting as a lobbyist because of the grant monies that you do receive.

Commissioner Joey Orduna Hastings: We have a question.

Commissioner Scott Shick: This is Scott Shick. I'd asked a question at the prior meeting regarding the kind of work that we're doing here is very important and we want to keep the momentum of that going into the next Governorship. We talked potentially about talking to the candidates, but how would you see that? Is there any safe ground there? Or just stay away from that?

Deputy Attorney General Jennifer Spencer: I would be careful with that, especially if you're representing yourself as a Member of the Commission, because you don't want to come across even though you may not be technically doing that, you don't want to come across as lobbying. Plus, there's those requirements that you have to register as a lobbyist if that's what you're going to do.

Commissioner Scott Shick: Yeah. No interest in that.

Deputy Attorney General Jennifer Spencer: You'd have to make it very clear that that's not the capacity you're acting in if you do, do that.

Commissioner Scott Shick: Thank you.

Commissioner Joey Orduna Hastings: Any questions in Las Vegas? Okay. Any questions on the phone?

Unknown Speaker: It's very difficult to hear you guys too. You sound like you're at the end of a long hallway.

Commissioner Joey Orduna Hastings: Okay. We're working on the sound.

Unknown Speaker: It's their distance. They should be closer to the microphone.

Commissioner Joey Orduna Hastings: Okay. Great. I think we're working on the microphones. Thank you for your comments about this presentation being very helpful. Deputy AG Spencer, do you have any other comments you want to share with us?

Deputy Attorney General Jennifer Spencer: have no other comments. I will do my best to come down in-person as much as possible to the meetings, but please always feel free to contact me. I'm available for the Board.

Commissioner Joey Orduna Hastings: Great. Thank you so much for being here. Okay. With that, we move on to Item No. 6, the Evidence Based Resource Center Update from Ms. Brubaker.

Katie Brubaker: Good afternoon. Katie Brubaker for the record. I have a few brief updates regarding our Resource Center. The first update is regarding the two trainings that we are working on. I got some clarification and the first one is going to be about Nevada's definition of evidence-based practices. I would like to ask if anyone is interested in being in a 15 to 20-minute video? We are looking for someone who helped create this definition and on this Commission, to be a part of that as kind of the face of Nevada. It will be about 15, 20 minutes. The script will be provided to you, so all you have to do is smile and read. I already asked Frank.

Commissioner Joey Orduna Hastings: If you'd like to volunteer, just contact Katie.

Katie Brubaker: Yeah. If you're interested, please send me an email or call me. I will relay that information to the Resource Center.

Unknown Speaker: It would be nice as we keep in mind is that, making sure we're representing the entire state in these videos and participating also, that it's not just one area.

Katie Brubaker: I agree. Thank you. My second announcement for the Resource Center is regarding the second training. That's just going to be on implementing an evidence-based practice or program. So, if you have any ideas, again, please contact me for future trainings and I will communicate that with the Resource Center. Those are my updates. Thank you.

Commissioner Joey Orduna Hastings: Thank you. Are there any questions in Las Vegas? Are there any questions on the phone? Are there any questions here in Carson City?

Commissioner Ross Armstrong: This is Commissioner Armstrong. I just want to make sure we're keeping all the Commissioners aware, we are still looking for sustainable and creative funding sources for the Evidence Resource Center. It can only be as helpful as we're able to fund it. And so, as folks are thinking about, looking about funding opportunities out there, to keep that Resource Center in mind so it can continue to serve all of our jurisdictions.

Katie Brubaker: This is Katie Brubaker. I just want to say that I have received a few emails from members of the Commission who have provided me with some grant funding opportunities that I've been working with the Resource Center on.

Commissioner Joey Orduna Hastings: Great. Thank you. Okay. Appreciate that update. So, now we'll move on to Item No. 7, the Updates from Committees. We'll go ahead and start at the beginning with the Strategic Plan committee.

Commissioner Frank Cervantes: The only thing I have- this is Frank for the record, is we did message out to NAJJA regarding the format for the performance indicators, the score board,

there's no objection to that. We haven't met since the last meeting. So, we're planning our next meeting.

Commissioner Joey Orduna Hastings: Great. We're doing these committee updates—if I can comment—knowing that, as we move towards the implementation of the strategic plan, that the committees we will be revisiting the committees. If you are interested in moving committees, or ideas about format or focus, please email me or Judge Egan Walker so that we can work with the staff to bring this to more of an agenda. I noticed that it's here for Item No. 8. We're not really prepared today to talk about what that looks like, but please know that we are still committed to reshaping the committee structure, especially as we move into the implementation phase of the strategic plan. So, please email Judge Walker or I if you have ideas, or if you want to volunteer on a different committee. We'll probably bring that back for September in a more thorough conversation. Second committee update? Data Performance and Measurement Committee, please?

Commissioner Brigid Duffy: This is Brigid Duffy down in Las Vegas. I don't have any updates because we haven't had a meeting since our last meeting, but I am pleased to see the documents that were provided and all the work of the subcommittee. No other updates.

Commissioner Joey Orduna Hastings: Great. Thank you. The Risk Assessment Committee? I don't know if we—Commissioner Martin, are you on the line still? Okay. Do we have Jo Lee Wickes, Darin Imlay or Jack Martin to present?

Commissioner Darin Imlay: Yeah. This is Darin Imlay on the phone. We haven't had any recent meetings. So, there's no updates to give. We are up to date on most of the things that we were required to do as of now. We do have an upcoming training that we'll be working on. We'll provide an update at the next meeting.

Commissioner Joey Orduna Hastings: Great. Thank you. Commissioner Armstrong, did you want to make a comment?

Commissioner Ross Armstrong: Yes. This is Commissioner Armstrong. I just wanted to note that on the DCFS end, we've had a meeting with the NYSAP folks in looking at the correction side of the policy of implementing the YLS, CMI, and the MAYSI, and what that's going to look like on the corrections end. I believe there's a meeting scheduled in a couple of weeks with folks to talk about what that policy will look like throughout the entire spectrum. So, there's not a lot that has happened, but we're gearing up for that implementation of deployment of the YLS in the pilot counties and moving forward, and they're consistent with the implementation plan that was approved last week.

Commissioner Joey Orduna Hastings: Great. Thank you. This is a reminder to this committee. Just remember to please mute the phones if you can. We are working with Commissioner Armstrong's team to still do the roadshows and go out to the counties. So, some of you may be asked to assist in getting out there. Hopefully we'll get those dates here soon from Mr. Munoz as well. We're moving on to the Youth Committee. Commissioner Pierrott.

Commissioner Jaqueline Pierrott: Thank you. Commissioner Pierrott for the record. So, we have not met since our last meeting, but we did schedule our tour of the Jan Evans Juvenile Detention Center on September 11. The Youth Committee also made note of the Commission's request at our last meeting regarding our recommendations. So, we have the attached Youth Committee survey in the packet that we will be completing and discussing at our future meetings. Then, when we have our recommendations, we will present them to the full Commission.

Commissioner Joey Orduna Hastings: Great. Thank you very much. Then our SAG Committee, please. Ms. Pauline Salla-Smith?

Commissioner Pauline Salla-Smith: Thank you. For the record, Commissioner Salla-Smith. Our last few meetings of our State Advisory Group, we were not able to proceed because we haven't had quorum. So, I'm just reaching out to all of our members. There's some important agenda items that we need to discuss and approve and move to the full Commission. We can't do it if we don't have quorum. As a reminder, our State Advisory Committee is really responsible for our federal compliance with the Juvenile Justice Delinquency Prevention Act. It's in addition to our state compliance. So, I just would encourage our members who are on that committee to please do your best to attend our meetings because we've been stuck for a while, and we have some really important agenda items. We are going to send out a Doodle poll just to see if the day we're holding them is not appropriate. Maybe we can find a better day for everybody. I just ask that everyone respond to that Doodle poll quickly because we will be setting another meeting, of course in compliance with the Open Meeting Law requirements, so that we can move our agenda items off.

Commissioner Joey Orduna Hastings: Thank you for that reminder. The quorum is significantly important, especially for that subcommittee. I was remiss though—quickly, I'd like to go back to the Strategic Planning Committee. There is a vote on the agenda to approve the format of the performance data entrance reporting template. Is there a motion to do that?

Commissioner Pauline Salla-Smith: Commissioner Salla-Smith. I motion to approve that document.

Commissioner Joey Orduna Hastings: Is there a second?

Commissioner Frank Cervantes: Commissioner Cervantes. Second that.

Commissioner Joey Orduna Hastings: Okay. All right. All in favor of the motion say aye. Okay. Any opposed? Any abstained? Okay. With that, the motion was approved, and the format and the template will be used from here forward. Thank you very much. Back to the State Advisory Group Planning Committee. Commissioner Salla-Smith, do you have any upcoming emergency issues that need to be addressed since you've kind of been lingering for a bit, that we need to meet deadlines for federal requirements?

Commissioner Pauline Salla-Smith: I think our most important one from our meeting yesterday was to identify what members would be on the Grant Review Committee, and how that process would happen. Our Formula Grant applications are due today by 5:00 p.m. We have a quick turnaround time. So, I do think it's important that we have really some different types of representation on that committee. That's our most pressing that we need to move on. We were unclear if we could discuss that today, as it's not agendaized as an action item.

Commissioner Joey Orduna Hastings: That is correct from our recent training. It is unfortunately not able to but please, if you're on the SAG Committee, please show up. It is imperative. It is actually a bigger obligation than the federal government to make sure that we're in compliance. We get audited and we could risk monies if we're not fully participant and compliant. Okay. With that, I just want to share, in Carson City at least, we are getting a lot of back noise. It sounds like someone is near the ocean. I hope someone is on vacation near the ocean, but if you could please mute your phones if you're participating via phone. Thanks so much. Item No. 8, as I noted, we are going to table that since Judge Walker is not here. Please give us your feedback on any changes that you want made to your committee assignments, and/or ideas you have for Focus. We will be hopefully outlining those for the September meeting. So, we will be moving to Item No. 9, the Work Plan Updates. Ms. Brubaker.

Katie Brubaker: Thank you. Katie Brubaker for the record. An update related to Case Load Pro, DCFS did go live with Case Load Pro on July 23rd. So, we are currently getting all of our data entered and working out any kinks along the way. Elko, Churchill and Washoe, I believe, are in progress. White Pine, Eureka and Lincoln are still waiting. Also waiting, there's been kind of a holdup with the YLS because it's been more important to get all of our counties up and running, and then we can implement the YLS into CaseLoadPro. Regarding the YLS, Commissioner Armstrong did note that DCFS has been meeting with NYSAP. We had our first meeting this week to work on some policies. Our next meeting of the Risk Assessment Committee is on August 28th. I sent out a calendar invite earlier this week. NYSAP will actually be here in Carson City. So, if you can attend, please do so. I think it will be informative. They'll be here all day, and we are going to be working on both the correction and probation policies, is my understanding, for the YLS. Ms. Bittleston and I will also be coordinating meetings with NYSAP regarding the integration of the YLS into DCFS policies. So, existing policies regarding information sharing, case planning, et. cetera, will all be tied together. My last update is regarding the Correctional Program Checklist, our validated quality assurance tool. The eight of us who were originally—

Commissioner Joey Orduna Hastings: Get closer to the microphone, please.

Katie Brubaker: The eight of us who were originally trained in the CPC will be completing our certification onsite reviews this September. We are looking to assess China Springs and Spring Mountain. Once those are complete, we will be completing reports for those sites. Once certified, we will be able to plan the remaining sites for our quality assurance assessment. The Summit View Report for the quality assurance assessment that was completed in June, is almost done. We will be providing that information to Summit View

first, and then I believe according to AB 472, we are required to present that to this Commission.

Commissioner Joey Orduna Hastings: Thank you. Are there any questions in Las Vegas as to the updates on the work plan? Any updates on the phone? Thank you for your emails to me, those of you who that are on the phone, about not being able to hear us. If we could just remember to speak as close to the microphone as possible to help those on the phone, that would be great. With that, are there any questions from our phone participants? Okay. Are there any questions here in Carson City? No? Okay. All right. Thank you, Ms. Brubaker. Okay. Item No. 10, the DCFS Implementation Team Update. John Munoz is out of the office, so Commissioner Armstrong, are you giving that update?

Commissioner Ross Armstrong: We actually have Dave Laity from the Youth Parole Bureau to provide that update.

Commissioner Joey Orduna Hastings: Great. Welcome, Mr. Laity.

Dave Laity: Good afternoon. Dave Laity. I'm filling in for John Munoz today. There's two items that Mr. Munoz would like me to update this committee on. The first one would be the update on the policies. As of now, we are working on two policies, the out-of-state placement policy, and the family engagement policy. We're meeting every Tuesday. Those meetings last for a little over an hour. Our last meeting focused a lot more on the family engagement policy, and we came away with some assignments for a broader definition of family that doesn't just mean biological family, because we do want to engage everyone in the youth's life that needs to be engaged. And so, we needed to come up with some separate definitions. That's what we're working on at this point. That is the update on the policies. As I understand it from the last meeting, there was a discussion and we need to give an update on the length of time that youth are waiting in Detention for placements. And so, that would be- I'm just going to throw out some numbers here. Please ask questions if you're not understanding where I'm coming from with it. We did do some data pulls. Some of these numbers are from date of commitment to date of assignment to the Division of Child Family Service. There were some discrepancies between north, south and rural, and I wanted to explain those. The number of days from commitment until a case is assigned to a mental health counselor in the north was two days, in the south was eight days, and in the rural, it was very close to eight days. And so, we really wanted to figure out what was the difference there. Keep in mind that these dates do include Saturdays and Sundays. So, some of these numbers, they are what they are, but the two-day could mean that they're assigned the same day as they're committed, but there are some kids that go over the weekend. So, the major issue that we had with the two days opposed to eight from the north and the south, were the ability to get the paperwork that we needed to get to our mental health counselors. A couple of years ago, Judge Walker and then Juvenile Master Dixie Grossman and I sat down and- as well as Frank and tried to tackle this issue in Washoe County because we knew it was an issue. We came up with a collaborative idea of having pre-placement packets. When Washoe County knows a kid is coming our way, they develop a packet, they get it to us prior to a commitment. On the day of commitment, we already have the information. That's the main discrepancy between the north, south, and the rurals, is we have a system in place in Washoe.

That same system is not in place in the other counties. So, the move on to the average number of days from commitment to an entry into a State Facility, there is still some discrepancies there. Thirty-five days on average for the north. Forty-four days on average for the south, and forty-six for the rurals. A lot of that is because of that same wait time to start. There's an eight or nine-day lag. That carries on through the process. So, we've done a lot more data pulls and trying to dig down deeper into the data, but I can tell you that there's an action plan being developed now. There's about seven or eight steps to the action plan. As I continue to develop it, more items get added. I can tell you that we're looking at the admissions order. Meaning, when a youth is committed, what order are they transported? The state has always used the date of commitment as that marker, of what kid goes first and what kid goes second. We certainly had looked at other options on that, and I believe we've come up with sticking with the date of commitment is in the best interest of the youth. We're also analyzing on a weekly basis, the causation and response to commitments. Meaning, when we do have back logs and wait times to get into our facilities, what's the cause of it, number one, and how are we addressing it when we go forward to make sure that we aren't in the crisis that we were in a couple of months ago. Just to give you some numbers, we—I send out a youth pending admissions list every week. It wasn't too long ago there were 70 youth waiting. For the committee, that's an entire other correctional center, you know? NYTC has 60 beds. That would be an entire other center to have all these youths be placed. I'm happy to say as of this morning at 8:00, that number is 33, which is much more manageable. So, we continue to look at when those numbers get up there, what we're doing about it, and how we can stop that from happening. Looking at issues of bed distribution among facilities, meaning the state is funded for so many beds at each facility. Is it a good idea to maybe look at those beds being distributed among the facilities differently? And so, we have people looking into that. Should we open up a girls' cottage at NYTC or something? Should we move beds from Caliente to Summit View? All those issues, we're looking at to have these youths get moved quicker. Another one is the communication of the wait list, which is with myself and John Munoz is daily. He is on vacation, so I don't text him, but when he is working, it's a daily communication between our wait lists. We're also looking at the length of stay. I know that we're looking at policy around length of stay also. What that means—and are there kids or youth that are—is there an evidence-based program for a youth that is lower level, even though they're at our level, but lower level that could do a shorter program and have the same outcomes? So, we're really searching for different programs like that, and being innovative to try to move kids through the system but still have better outcomes. Is there any questions?

Commissioner Joey Orduna Hastings: Thank you. Are there any questions in Las Vegas? Are there any questions on the phone? Okay. Are there any questions here in Carson? Commissioner?

Commissioner Pauline Salla-Smith: I'm not sure if maybe Commissioner Armstrong has the answer to this, but previously we collected data from all the facilities on the length of stay in Detention that we reported back to the legislature, because at that time the statute was anything over 30 days had to be reported- which really helped us keep track of what was going on and if there was factors, what were those factors? And how to support youth parole and the facilities to help move those kids. I'm not sure if that's still occurring or if you know?

Commissioner Ross Armstrong: I'm not aware of us submitting that regular report to the legislature on youth who had been committed who wait longer than 30 days. There are some differences jurisdiction by jurisdiction. Some judges will set status checks so that they can bring everybody into court at that two-week or 30-day mark and say, hey, what's going on? Do we need to do something differently? We're regularly looking at it internally, but in terms of regular reporting to the legislature, I think our grievances are the ones that are only being—that are regularly reported on a monthly basis to the legislative Council Bureau. I'm happy to be corrected if someone out there knows something different.

Commissioner Pauline Salla-Smith: I'm wondering if that might be important information, if our state commitments continue to increase like they are, in order to have that discussion I'm not sure everyone wants to have, about adding beds at correctional facilities. But I think that the data collection and reporting consistently through the year would be more helpful to build the foundation on the needs.

Commissioner Ross Armstrong: This is Commissioner Armstrong. We can certainly put together a regular- I guess it would be a data report for this Commission to take a look at. I think that that's an important topic for us to continue to explore. They're still working on their action plan. So I would say, if you have items, or there's any members of this Commission that have items that they would like to see in a regular data report on those commitment times and numbers, contact me and I'll make sure that the staff prepares a report that we can present to the Commission every time. I think it's an important piece of this Commission's oversight on a regulatory function for our most at-risk and vulnerable population, those kids that are making it to the deep end. So, I'm certainly happy to do that.

Commissioner Pauline Salla-Smith: Thank you.

Commissioner Joey Orduna Hastings: Great. Thank you. That would be very helpful. Are there any other idea or questions that want to be shared?

Commissioner Scott Shick: This is Scott Shick. We talked about, at the last meeting I believe we brought it up, or in some meeting that we don't want to compromise the kids in the programs. Those kids have to finish them. They're in a State Correctional Facility because of continued involvement in the probation department to a point that we've exhausted our resources. So, we understand that. We also-this body, Juvenile Justice in the state has been driven by Detention reform. So, the least amount of time in Detention has always been that—is something we've always built on. I know you're well-aware of that, Dave. How can we accomplish all of those things? Do we need to increase beds slightly? Do we need to get shoulder-to-shoulder on that, take a look at those kinds of things? I think as a team, we're willing to go there and have that discussion.

Commissioner Joey Orduna Hastings: I wonder too—this is Joey for the record—if this might be a good topic for the Data Performance and Measurement Committee to carry forward in their capacity, so that we can get that regular reporting and vet this data in a much more coordinated fashion. So, I just offer that for a consideration of my fellow Commissioners as well. Commissioner Shick, did you have a comment?

Commissioner Scott Shick: I'd just say, the cases that we have, the ones that—I mean, they're more serious, and they're more complicated, and they have more pieces to them. I think it's not anybody's fault, it's just the platform that we're working on in Juvenile Justice. I think a lot of folks in this room, and our chiefs in our probation departments and our parole, they understand that. And so, how can we approach that, measure it, and keep these kids moving? Get them on their feet as soon as possible in order to not get them bitter at the system or whatever that might be.

Commissioner Joey Orduna Hastings: Thank you. Are there any other comments? Okay. Well, we will move on then to Item 11. So, the one thing I just want to hit on is, we have noted here the letter from the JJOC to the gubernatorial candidates. Obviously, given the conversation today, we need to revisit that strategy and how we can provide some information as necessary, rather than maybe a targeted letter to those candidates. So, I don't think it's off the table, we just have to get good guidance from our DAG and figure out a way in which we can achieve that goal in a way that protects the Commission. So, if we could just modify that on the agenda, and we can talk about how you need to do that. Are there any items from Las Vegas? New business related to legislative updates, Commission collaboration, or items you'd like added to the agenda?

Unknown Speaker: No. I don't think so.

Commissioner Joey Orduna Hastings: Great. Thank you. Mr. Laity, sorry. Thank you for your presentation. I apologize.

Dave Laity: You're welcome.

Commissioner Joey Orduna Hastings: Okay. Thank you. Are there any new business items from those of you on the phone? Okay. Any new business items for those of you here in Carson City? Commissioner Graham?

Commissioner Rebekah Graham: Hi. This is Commissioner Graham. Just a thought for us to keep in our heads. Maybe as we move forward with the YLS and we talk about the length of stay, I think as a Commission we owe it to the youth in our care to look at mental health services and how those affect things like risk and length of stay. And maybe eventually our Risk Assessment Committee takes a deeper look at that, or we establish a committee that looks at the mental health services offered to our youth.

Commissioner Joey Orduna Hastings: Very good suggestion. Thank you. I'm making note of it. Okay. Any other items?

Commissioner Pauline Salla-Smith: Commissioner Salla-Smith for the record. Just so we're really clear, if we could add the approval of the Formula Grants for our next agenda. That would be great.

Commissioner Joey Orduna Hastings: Great. Thank you.

Commissioner Brigid Duffy: This is Brigid Duffy in Las Vegas- Commissioner Duffy. I'm sorry. You already asked about comments from Las Vegas, but as I was writing my notes in my file, I just started thinking of something. I do think it's important for us going into the legislative session, to kind of know why we have this increase, why we have 70 kids waiting for commitment, and why we had for a number of reasons. Ross and I did a presentation to the Interim Committee recently and I know from Clark County, my certification numbers have increased over the last couple years. A lot of them are [inaudible], and most of them are negotiated. A large majority have been negotiated. Then negotiated to DCFS commitment instead of to the adult system. I think, Ross, when you and I go through these stats, it's almost a match of the increase of commitments in Clark County to the increase within that year from out of Clark. But I don't know for sure. Everything I say is completely speculation because I don't really know. I can just tell you, I know one number went up, and another number went up, and I know that my deputies are negotiating cases to DCFS. So, I think going into the session, it would be really important to dive into those numbers across the state because there is always that push throughout the session to get away with direct files, raise ages of certification numbers. It would be good to have some really good data around that issue because if we don't know how to do the structuring, gather those kids within the Juvenile Justice System, we're never going to be able to tackle that on the backend legislatively, like getting rid of direct files, or getting rid of or raising the ages of certification because there's— what are we going to do, right? We have that just for [inaudible] child and we have nowhere to put them, and we still don't have anywhere to put any child who we cannot certify because of competency. So, I mean, I heard [inaudible] something [inaudible] I would definitely need some people that would [inaudible] the data to be able to interpret it, but that is something I'd be willing to take on [inaudible] subcommittee, my partners would agree. My Co-Chairs.

Commissioner Joey Orduna Hastings: Thank you, Commissioner Duffy. Agreed. Maybe we can talk further about how we'd make up that committee going forward. Commissioner Armstrong, you want to share your thoughts?

Commissioner Ross Armstrong: Yes. This is Commissioner Armstrong. I would say a good first step for us, Commissioner Duffy, maybe if division can get the list of names and we'll talk offline about it, but we should be able to tap into the Department of Health and Human Services Centralized Data Team. Maybe we can take a look at those youths who were committed to DCFS as a result of a negotiated certification, and take a look at their success rates down the road, right? Because if 90 percent of them are in DOC custody within five years, then maybe we should take a look at that practice. I think the first step would be, if we can get that universe from Clark County, then we can tap into our Centralized HHS Data System and get a good profile of what happens to those kids five years after that decision. So, I'm happy to talk with you offline about the best way to go about that, but I think that discussing that population, especially with some of the topics that bubble up every year, blended sentencing and different facilities, and raising commitment ages, and youthful offenders, I think having a better picture of the borderline population, I guess is what I'd call them—that's not a very good way to talk about them, but that's what I'll call them right now—would be a good first step for us.

Commissioner Joey Orduna Hastings: Great. Thank you. Are there any other comments? Okay. So, with that, we have a couple different agenda items and parking lot items. Our next meeting is September 14th. We will have representatives from the ACLU here to speak as to some of the work that they're doing in their report that they just completed. They want to share that with us, for those of you who haven't seen it. So, they will be here. Thank you all for being here. I know we're in the middle of school starting, and vacations. Because these meetings were calendared a year out, it was going to be very difficult to try to reschedule. So, we made quorum today and I really appreciate it. I appreciate the sacrifice you all keep making to attend these meetings. So, if there's no last comments, I'm going to move to public comment. No? Okay. So, is there any public comment? Vegas? The phone? Carson City? Okay. So, then I'll take a motion to conclude this meeting.

Commissioner Pauline Salla-Smith: So moved.

Commissioner Joey Orduna Hastings: Commissioner Salla.

Commissioner Ross Armstrong: Second. This is Commissioner Armstrong.

Commissioner Joey Orduna Hastings: Great. Okay, everyone. We'll see you on September 14th. Thank you so much.

Committee Report and Other Notes:

Commissioner Pauline Salla-Smith motioned to approve the format of the performance data entrance reporting template. Commissioner Frank Cervantes seconded this motion, the motion was approved.