Minutes

Middle Peninsula Juvenile Detention Commission

Meeting of April 22, 2016

On April 22, 2016 at 10:05 A.M. in the conference room of the Williamsburg Municipal Building, Williamsburg, Virginia, Chairman Jim Taylor called the meeting to order. The following persons were present:

Garry Curry – Gloucester County
Marcia Jones – Middlesex County
Michelle Johnson- Charles City County
Vivian McGettigan – York County
Alan Partin – Caroline County
Reese Peck – Essex County
Frank Pleva – Lancaster County
Morgan Quicke – Richmond County
Larry Roberson – Westmoreland County
Steve Rubino – James City County
Phil Serra – Williamsburg City (arrived after roll call)
Luttrell Tadlock – Northumberland County
Jim Taylor – Hanover County

Roger Wiley – Counsel
Gina Mingee – Executive Director
Sandy Schubert – Clerk

ABSENT:
Wiley Carter – New Kent County
Melinda Conner – Mathews County
Randal Wheeler – Poquoson City
Amanda Six – King William County
Thomas Swartzwelder – King & Queen County

The Chair opened the meeting and determined that a quorum was present. Mr. Taylor requested a motion to amend the agenda to include the nomination of a new executive committee member. Motion was made by Mr. Quicke, seconded by Mr. Pleva and carried unanimously.

RE: APPROVAL OF MINUTES FOR OCTOBER 23, 2015
Mr. Pleva moved to approve the minutes of October 23, 2015, seconded by Mr. Roberson. Motion carried unanimously.

RE: FINANCIAL REPORT
Ms. Mingee stated that Caroline, York and Hanover Counties were the highest users of the center in March and Mathews and Middlesex Counties have exceeded the projected usage for the year. The overall member usage is down for the third month in a row, with March average daily population (ADP) at 23. Member utilization year-to-date ADP is 28, but with the addition of state programs the overall ADP is 35. The statistical report continues to reflect the same leading charges for juveniles, which are burglary/larceny and probation violation.

Ms. Mingee reviewed the balance sheet noting the cash balance is high presently because of prepayments from the block grant and CPP. Although revenue should be at 75 percent of budget, we have exceeded that with the CPP prepayment. However, state ward and re-entry revenue is lower due to the increased placements into CPP. We presently have seven juveniles in this program, two more than our guaranteed number, and are able to charge an additional $225 per day for those placements. Miscellaneous revenue is lower than budgeted due to a procedural change from James City County; we now offset expenses with income directly related to that expense. Although the Commission approved to use $27,000 of the fund balance to purchase a van this year, and we have, that entry will not show until year-end reconciliation.

In reviewing the expenditures, Ms. Mingee noted that advertising is high due our attempts to recruit new staff for CPP and current vacancies. She also noted that our garage services are high from repairs to one of our older vans. Operating supplies is high this year from various parts and supplies purchased to maintain and repair the building and equipment. The overall year-to-date expenses are below budget at 71 percent.

RE: OLD BUSINESS

Mr. Taylor said that the service agreement committee met last month and decided that a survey of members was needed before continuing discussions on possible changes to the agreement. He reviewed the results of the survey in which 14 people participated. Of the 14 members, 10 agreed that they would be open to moving operating/budget authority from the governing boards to the commission board. The majority, 12 of 14, agreed that service agreement should establish a capital replacement fund. Mr. Taylor pointed out that presently we are providing for capital replacement within the yearly budget. Mr. Peck said that capital replacement funding should be shared equally among the 18 members and not in the annual budget; putting it in the budget makes only the highest users of the center pay for most of the capital improvements of the building.

The question of budgeting based upon a three or five-year average was spilt with 5 members for a three-year, 7 for a five-year and 2 requesting "something else". Mr. Wiley pointed out that if you set the annual per diem based upon the previous three years of usage that at the end of the next three years it will reflect actual usage. Mr. Peck suggested that if the service agreement changed to the averaging method, the language within the agreement would need to change from per diem to an annual charge. Mr. Pleva said that averaging would help smooth out the unusual highs and lows that cause budget difficulties for smaller jurisdictions. He pointed out that other authorities within the counties and cities use averaging and that most of their board members would support this change. Ms. McGettigan explained that the five-year averaging allows for a greater smoothing with less of a financial impact.

The question of what should be done if there is a year-end balance forward was also split between carrying it into the next budget year, redistributing it back to members, applying it to capital improvements or "other". A discussion ensued about what the service agreement states now, along with past interpretations and practices. The conclusion was that if the service agreement were changed to budget averaging, then there would be no balance forward. All additional funds would be applied toward the next year, thus reducing the amount needed in the next year's average.

To the question of increasing the minimum annual charge, the majority, 11 of 14 felt that it should increase so that even non-participating jurisdictions help to keep the center in a state of readiness should they need to use the facility. However, most members agree that this change to the service agreement might prevent the passage of more relevant changes from a jurisdiction's board, so this idea was tabled.

When asked if the service agreement should be amended to require only a two-thirds vote, 7 said yes, 4 said no and the other 3 were not sure. After a short discussion, this suggestion was also tabled.

Comments from the survey suggest that the Director of the Merrimac Center do a presentation to each of the jurisdiction's Board of Supervisors.

Since any change to the service agreement requires the support of all members, Mr. Taylor will draft the proposed changes and ask commission members if they would be willing to support these changes.

RE: ATTORNEY REPORT

Mr. Wiley said the funding for juvenile detention would increase if the center gives a two percent salary increase to its employees. However, the calculation to determine the amount of this increase is very difficult so we are unsure of the exact amount. The General Assembly approved funding the first of the new smaller DJJ correctional facilities and continued the trend of placing juveniles in local detention centers.

RE: NEW BUSINESS

Ms. Mingee announced that the Merrimac Center was awarded a memorandum of agreement (MOA) with the Department of Juvenile Justice (DJJ) to house five females at a guaranteed daily rate of $325.00 each. This will increase revenue by $593,000, which is more than three percent of the annual budget and requires the approval of the full commission. We have also been asked to do intake assessments on state ward juveniles to determine if they would benefit from the Community Placement Program. We will be paid $175.00 each day for these assessments.

Ms. Mingee reviewed the changes to the FY17 Budget, which included revenue line item changes to Re-Entry, Community Placement Program, CPP Reimbursement and Member Contributions. Member per diem was lowered from $199.00 to $192.00, reflecting a savings of $233,390. The locality usage projections were lowered and recalculated to be more reflective of this year's actual usage. The new MOA will require us to hire more staff and incur more training costs so those line items were also increased. Since our PREA audit changed from FY16 to FY17 that line was also changed. There is a two percent increase to the salaries to order cover the state requirement for additional funding. Mr. Curry said that we may want to allow the executive committee to decide when the two percent increase should take place, July or December, in order to be certified for the additional state funding.

After a short discussion, Mr. Curry moved to accept the FY17 adjusted budget of $4,547,860 with a per diem rate of $192.00. Motion was seconded by Mr. Quicke, and carried by unanimous vote.

Mr. Taylor stated that the review of the Executive Director has been changed to coincide with the fiscal year and, going forward, reviews will be July1.

Mr. Taylor opened the floor for nominations to the executive committee. Ms. Jones nominated Mr. Peck and Mr. Quicke nominated Mr. Curry. Mr. Peck deferred to Mr. Curry and Ms. Jones withdrew her nomination. With a show of support from the commission, Mr. Curry will be the new member of the executive committee.

RE: DIRECTOR'S REPORT

We have been approved for a grant for $10,000 from the Juvenile Accountability Block Grant, which we will use to purchase equipment to bring us into compliance with the PREA standards.

We have a $12,000 repair cost to our hot water heater due to a valve failure that was not replaced when we upgraded the heater five years ago.

Along with the increase of line staff due to the new MOA, we have had several people leave so we are hiring a total of seven new people along with a new therapist on May 2.

Through a grant received from the Virginia Juvenile Justice Association, Ms. Mingee attended the National Partnership of Juvenile Services conference in Pittsburg and was able to bring progressive programing ideas back to the Center

We will be sending six staff to the Girls Circle training in South Carolina to be compliant with the requirements of the new MOA.

Ms. Mingee will send updates after each executive committee meeting to keep everyone aware of what is going on at the Merrimac Center. She invited everyone to the Spring Open House and luncheon and reminded them that the post-d residents will be selling plants that they have grown in the new greenhouse.

RE: ADJOURNMENT

There being no further business, Ms. Jones moved that the meeting adjourn, seconded by Mr. Pleva and motion carried unanimously. The meeting adjourned at 11:20 A.M.

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Jim Taylor-Chair
Middle Peninsula Juvenile Detention Commission