MINUTES

MIDDLE PENINSULA JUVENILE DETENTION COMMISSION

Meeting of February 26, 2016

A MEETING OF THE EXECUTIVE COMMITTEE OF THE MIDDLE PENINSULA JUVENILE DETENTION COMMISSION WAS HELD ON FEBRUARY 26, 2016 AT 11:15 A.M. IN THE CONFERENCE ROOM OF WILLIAMSBURG MUNICIPAL BUILDING, WILLIAMSBURG, VIRGINIA. CHAIR JIM TAYLOR, CALLED THE MEETING TO ORDER. THE FOLLOWING PERSONS WERE PRESENT:

VIVIAN MCGETTIGAN – YORK COUNTY
JIM TAYLOR – HANOVER COUNTY
RANDY WHEELER – POQUOSON CITY

GINA MINGEE – EXECUTIVE DIRECTOR
BRENDAN HEFTY – COUNSEL
SANDY SCHUBERT – CLERK

ABSENT:
ALAN PARTIN – CAROLINE COUNTY
MORGAN QUICKE – RICHMOND COUNTY
PHILIP SERRA – WILLIAMSBURG CITY

The Chair opened the meeting and determined that a quorum was present with the attendance of one half of the existing committee members.

RE: APPROVAL OF MINUTES FOR DECEMBER 11, 2015
Ms. McGettigan moved to approve the minutes of December 11, 2015 with noted typographical errors corrected. Mr. Wheeler seconded and the motion carried unanimously.

RE: FINANCIAL REPORT
Ms. Mingee said probation violations along with burglary/larceny continue to be the leading reasons for juveniles to be placed at the Center. The member average daily population (ADP) at the end of January is 29 with Caroline, York and Gloucester Counties having the highest utilization. The ADP increases to 36 with the addition of all state program juveniles. An email was sent to the localities that have exceeded their projections, alerting them to possible budget overages. Ms. McGettigan requested that the utilization report reflect the percentage of projections for each jurisdiction. She also asked if there was a true-up at the end of the year for localities that are over or under their projections. Ms. Mingee explained that the year-end practice has been to net the difference of this year's projection and next year's projection and either bill or credit the locality. Ms. McGettigan suggested again that quarterly or possibly annual billing might decrease some of the administrative duties at the localities and at the Center. Mr. Taylor explained that billing changes are one of many items being considered by the service agreement committee.

Ms. Mingee reviewed the financials for period seven noting that the cash balance reflects the Department of Juvenile Justice (DJJ) prepayment for Community Placement Program (CPP) juveniles and the quarterly block grant funding. Ms. Mingee stated that DJJ is sending more juveniles to CPP rather than the re-entry program which is reflected in the revenue. However, she pointed out that the net of these two programs still fall within the total budgeted income thus far. Ms. McGettigan asked if the state program juveniles are included in the member utilization and if they might be double-counted in the year end true-up. Ms. Mingee explained that they are listed below member's utilization, on the utilization report, under state days and not included in member utilization. Ms. McGettigan inquired about the Other Post Employment Benefit (OPEB) liability line item and whether it was a pre or post age-65 benefit. Ms. Mingee explained that it is a post age-65 benefit, and that it is only an allocation due to our participation in the program.

Ms. Mingee said that variables such as high juvenile population, employee turnover and vacancies, injuries, sick time and annual leave make budget projections for salary, on-call and overtime very difficult to predict. She pointed out that the net of these three line items are still within the budget range for this time period. She noted that the professional services line item includes $22,000 for temporary employees covering vacancies that otherwise would have gone to salary line item. She pointed out a few overages such as professional services for annual prepaid contracts, garage services for repairs to an older van, and the bed-space line item due to placing two juveniles at another detention center for their own safety. All of the FY16 capital improvements have been purchased.

RE: ATTORNEY'S REPORT

Mr. Hefty said that the governor spoke at the Virginia Association of Counties about closing down two state juvenile facilities and that although the state is spending large amounts on the juveniles; the recidivism rate is still at 80 percent.

RE: OLD BUSINESS

Mr. Taylor said that Mr. Peck planned to meet with other members of the Service Agreement Committee after today's executive committee meeting. Mr. Taylor said that he had no updates to report, but he hopes to have a final report for the April full Commission meeting. Ms. McGettigan stated that she would like to see a change to the billing to include an averaging for budget purposes. Mr. Taylor explained the past attempt to make a service agreement change and that being a reason the committee was formed to make recommendations on the matter.

RE: NEW BUSINESS

Ms. Mingee stated that DJJ was searching for a detention center that would take females in CPP and, since the Merrimac Center has always had co-ed programming, she let them know that we would take females also. DJJ's Deputy Director and the Director of Programs came to Merrimac, toured our facility, and asked Ms. Mingee to write a CPP proposal to cover females at the Center. They are very happy with the proposal, and it appears that we will receive the Memorandum of Agreement (MOA) to guarantee five more beds at $325.00 per day, which would increase our revenue by almost $600,000. The higher per diem rate is needed to hire a therapist and cover the additional training and staffing required when housing the more difficult female population. Mr. Wheeler asked about taking only females into CPP due the higher per diem; Ms. Mingee explained that males are less difficult. She also explained that having a co-ed facility more closely reflects life outside of the detention setting.

Ms. Mingee said that in order to support the additional CPP females, we would need to activate four out of the remaining five commission-approved positions, which until now have not been filled. We will need to convert these positions into ones that will support the expanded program in order to receive the additional juveniles and the corresponding revenue. After a short discussion regarding the timing of the MOA and hiring of new employees, the committee expressed their support to proceed with the process and final budget adjustments to be approved at the full commission in April.

Ms. Mingee distributed a proposed change to clarify the holiday pay and tardy policy. After review, Mr. Wheeler moved to modify Personnel Policy, Section 2.6, Section 5.1 and Section 7.2 as presented with provision that the end of the first paragraph in Section 2.6 to include clarifying language. Ms. McGettigan seconded and the motion carried unanimously.

RE: DIRECTOR'S REPORT

Ms. Mingee said that Merrimac Center has an agreement with Colonial Behavior Health (CBH) in which we pay $18,000 each year so that they will provide one therapist and one case manager to the facility to deal with our pre- and post-dispositional juveniles. We have had the same therapist for the last eight years, but she was terminated last week at which time CBH gave us only three hours' notice of this vacancy.

Ms. Mingee said that she is consulting with Mr. Wiley regarding an issue with a long-term employee which may result in an appeal to the executive committee.

The Department of Juvenile Justice audit team will be here in September to conduct our three-year licensure audit. Our first Prison Rape Elimination Act (PREA) audit is scheduled for June. We have arranged for two of our staff to train to become PREA auditors which will make them very knowledgeable of these new standards. This training will also give us the ability to trade their services with other detention facilities to avoid the cost of audits in the future. There is the possibility that the first year's audit cost will be paid by DJJ, and if so, would reduce our FY16 budgeted expense by about $8000. We are to receive 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 are still advertising for line staff, but our new registered nurse has started work. She came from another secure facility which had closed.

RE: CLOSED MEETING TO DISCUSS PERSONNEL MATTERS

Mr. Taylor asked for a motion that the meeting be convened in closed session pursuant to Section 2.2-3711(A)(1) of the Code of Virginia pertaining to a personnel matter involving the performance evaluation of specific employees. Ms. McGettigan made the motion, seconded by Mr. Wheeler. The motion carried unanimously and the meeting went into closed session at 12:10 P.M.

RECONVENE

Mr. Wheeler moved to reconvene to open session at 12:30 P.M., seconded by Ms. McGettigan. Motion carried unanimously.

CERTIFICATION

Mr. Taylor moved that the Middle Peninsula Juvenile Detention Commission certify that, in the closed session just concluded, nothing was discussed except the matter or matters (1) specifically identified in the motion to convene in closed session and (2) lawfully permitted to be discussed under the provisions of the Virginia Freedom of Information act cited in that motion. A roll call vote was taken:

VIVIAN MCGETTIGAN	yea
RANDY WHEELER	yea
JIM TAYLOR	yea

Certification Adopted

Mr. Wheeler moved to increase the Executive Director's salary by four percent beginning July 1, 2015 and setting future evaluations to July 1st of each year. Motion was seconded by Ms. McGettigan and carried unanimously.

RE: ADJOURNMENT

On motion made by Mr. Wheeler and seconded by Ms. McGettigan the meeting was adjourned at approximately 12:35 P.M.

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Jim Taylor, Chair
Middle Peninsula Juvenile Detention Commission