Minutes

Middle Peninsula Juvenile Detention Commission

Meeting of October 28, 2016

On October 28, 2016 at 11:05 A.M. in the conference room of the Middle Peninsula Planning District Office, Saluda, Virginia, Chairman, Jim Taylor, called the meeting to order. The following persons were present:

Melinda Conner – Mathews County
Marcia Jones – Middlesex County
Karen Lewis – Westmoreland County
Alan Partin – Caroline County
Frank Pleva – Lancaster County
Morgan Quicke – Richmond County
Pam Smith – Essex County
Luttrell Tadlock – Northumberland County
Bobbie Tassinari – King William County
Jim Taylor – Hanover County
Randal Wheeler – Poquoson City

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

ABSENT:
Wiley Carter – New Kent County
Garry Curry – Gloucester County
Michelle Johnson- Charles City County
Vivian McGettigan – York County
Steve Rubino – James City County
Phil Serra – Williamsburg City
Thomas Swartzwelder – King & Queen County

The Chair opened the meeting and determined that a quorum was present

Re: Approval of Minutes for July 22, 2016
Mr. Pleva moved to approve the minutes of July 22, 2016, seconded by Ms. Lewis. Motion carried unanimously.

Re: Financial Report
Ms. Mingee reported that James City, York and Caroline counties had the highest utilization of the Center for the first quarter of FY17. Due to the unexpected sentencing of a couple of juveniles into the post-dispositional program, both Essex and New Kent counties have exceeded their annual projections. The projected average daily population (ADP) for members is 27 and we are at 22, but with the addition of all state programs, the ADP rises to 35 so far this year. Mr. Taylor expressed his appreciation to Ms. Mingee for actively pursuing and receiving the state programs that make up the shortfall from the decline in member utilization.

The statistical report continues to reflect the same leading charges for juveniles, which are burglary/larceny and probation violations. Ms. Mingee noted that we are presently holding two juveniles for the charge of murder and just received a juvenile charged with solicitation to commit murder of her mother.

Ms. Mingee briefly reviewed FY16 period thirteen, noting that the cash balance reflects over $548,000 in pre-payments for FY17, which reduces the FY16 cash on hand and brings it close to the 60 requirement in the service agreement. Revenue for the community placement program (CPP) and the state ward per diem were higher than projected. The state ward line item includes revenue from a new state assessment program and the CPP line reflects an additional 480 days above the guaranteed CCP income. A review of the expense line items shows some overages in professional services due to using temporary employment services and in background investigations relating to the new hires for the female community placement program that began on July 1. Ms. Mingee reminded the members that the depreciation expense in period thirteen is not included in our budget.

Ms. Mingee reviewed FY17 financials for the first quarter, which reflects prepayments from DJJ for both community placement programs and the block grant thus increasing the cash balance by approximately $590,000. The revenue for this quarter shows an increase in the state ward per diem due to a new program for state assessments that we did not have at the time we formulated the FY17 budget. We will request a revenue account for this new line item to better track these funds. As a reminder, Ms. Mingee explained that without the member's prepayment the member contribution line item reflects only payments of previous month's usage.

Expenditures should be at 25 percent of budget and even with a few prepayments, we are at 23 percent. Ms. Mingee said that staff development is high due to sending six staff for training in North Caroline to provide evidence-based programing for the female community placement program. Operating supplies and linens are also elevated due to the preparations needed for the three-year audit from the Department of Juvenile Justice in September. We have made the down payment on the new phone system with final installation scheduled for November. To be compliant with the Prison Rape Elimination Act (PREA), updated background checks were needed for all employees, teachers and volunteers The Center also purchased cameras required by PREA, but we obtained a grant to cover the bulk of this purchase.

Ms. Mingee distributed the auditor report for FY16; stating that it was just delivered this morning, but Mr. Serra was able to review a draft of the report without issue. Ms. Mingee did point out that this is the first year that a finding was reported. The auditors stated that commission members did not complete individual financial disclosure forms and must do so before December 15, 2016 this year to be in compliance for FY17. Mr. Wiley is checking into the Virginia Code for the requirement for commissions and, if necessary, the disclosure forms will be sent to each member via email.

RE: ATTORNEY REPORT

Mr. Wiley said that members who already file the financial disclosure forms would not need to file another. He explained that there are two provisions in the law that could apply to this commission. One requires a member to file if their own governing body states that it is a condition of service on the commission. The other provision states specifically that any "authority" that has the power to borrow money or spend over $10,000 a year would need to file the disclosure form. Mr. Wiley said that because term "authority" is only used in that section, while "board", "commission" and "authority" are used in other sections of Conflict of Interest Act, his firm has taken the position that detention commissions did not have to file under that requirement. Mr. Wiley is unsure if the Auditor of Public Accounting (APA) is requiring the filing or if it is coming from our new auditor; he will research it and let the commission know of his findings. If the filing is needed, it should be sent to the clerk of the governing body that appoints the member to the commission.

Mr. Wiley also reported on a resolution to the incorrect billing of $55,000 from Anthem for a juvenile with private insurance that should have paid for his coverage. Mr. Gore was able to convince the hospital to refund Anthem's payment and rebill the correct insurance company so that the Merrimac Center no longer owes Anthem.

RE: OLD BUSINESS

Mr. Taylor thanked all members that took the Service Agreement amendments to their boards for their approval before we had one member who decided not to recommend it to his board. Since then, the executive committee met and decided to table the second amendment, which provided for equal sharing of the upkeep of the facility.

Mr. Taylor explained that the first amendment changed the billing process to a five-year averaging to smooth out the unpredictability of childcare cost on the members' budgets. Mr. Taylor said it was his understanding that everyone agreed in this concept, but one member felt that the full agreement should omit references to "per diem". Mr. Gore has offered to work with the opposing member to help modify the agreement regarding per diem and bring it back to the commission. Mr. Wheeler suggested that if all members attended commission meetings and participated in the discussions issues could be resolved more efficiently. After an extensive discussion regarding the difficulties of changes within a large group, it was the consensus of the members that we continue to pursue the change to the five-year average billing process. It was the executive committee's recommendation that the commission proceed with the approval of the FY18 budget and if the changes were approved before the beginning of that budget year, we would use the five-year averaging for the billing. Mr. Wiley suggested that the other members wait until the opposing member gets board approval of the amendment before taking it to their board members.

RE: NEW BUSINESS

Ms. Mingee reviewed the FY18 budget as recommend by the executive committee. The budget was prepared with conservative expectations from the state programs although DJJ has assured us that state budget cuts would not

affect these programs. Ms. Mingee said that DJJ is sending CPP juveniles that may stay at the center up to 2 years and because of that, we have increased their age limit stay to the 21st birthday. We proposed to use $50,000 from the cash fund balance to cover the capital expense of resurfacing the basketball court, painting the gym ceiling, and carpeting the admin area. The balance needed for FY18, $1,816,410 would either come from the members in a per diem of $191 and an average daily population of 27, or if approved by June 30, 2017, the five-year average.

Budgeted expenses include a small increase to health insurance and a few promotions from counselor I to counselor II. We anticipated a large increase for FY17 in the areas of health insurance, workers compensation, unemployment and the Virginia Retirement System (VRS) that did not happen, so we are budgeting less in those areas than last budget year. Most of the other expenses are in-line or lower because we are trying to be more conservative with our spending but we did put $20,000 into a contingency for unexpected expenses. Mr. Alan questioned the source of the Universal Service Fund line item. Mr. Wiley explained that it comes from the federal government to insure that schools have access to the internet.

Mr. Taylor said that the executive committee reviewed and recommends this budget to the full commission for approval. Mr. Wheeler moved to approve the FY18 budget with the recommendation that all members budget the higher of the two numbers using the current methodology and the five-year average. Motion was seconded by Mr. Quicke and carried unanimously.

RE: DIRECTOR'S REPORT

Ms. Mingee said that an 11-member audit team from DJJ came to the center for our 3-year re-certification on September 12th and the results were the best that we have ever received. Out of the 500 plus items the audit team checks, there were only two minor issues relating to documentation and that corrective action has been completed. As a result of the preparations and guidance of the Deputy Director, Operations Manager, Treatment Coordinator, and Nurse, the team completed the audit in one-half the time allotted, reporting how impressed they were with the overall operation of the Merrimac Center.

At Mr. Serra's recommendation, we have asked VRS to do an actuarial study to determine if it would be in the commission's best interest for the Merrimac Center to have their own retirement account and no longer use the fiscal agent James City County's account. The cost of the study will be $1,250.

Ms. Mingee will send out the FY16 Annual Report next week; it will also be posted on the Merrimac Center website.

Holiday planning has begun at the center and a local church is putting together gift boxes for the juveniles and the staff.

Our staff appreciation potluck luncheon is scheduled for Monday. As a part of their literature program, and to encourage the juveniles to read more, the education department sponsored a teen read week with different events planned for each day.

RE: ADJOURNMENT

There being no further business, Mr. Partin moved that the meeting adjourn, seconded by Mr. Quicke and motion carried unanimously. The meeting adjourned at 12:15 P.M.

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Jim Taylor-Chair
Middle Peninsula Juvenile Detention Commission