Minutes

Middle Peninsula Juvenile Detention Commission

Meeting of January 27, 2019

On January 27, 2019 at 10:04 A.M. in the conference room of the Middle Peninsula Planning District Office, Saluda, Virginia, Chair Morgan Quicke, called the meeting to order. The following persons were present:

Rodney Hathaway – New Kent County
Julie Kaylor – Mathews County
Karen Lewis – Westmoreland County
Sheri Newcomb – York County
Alan Partin – Caroline County
Morgan Quicke – Richmond County
Luttrell Tadlock – Northumberland County
Bobbie Tassinari – King William County
Jim Taylor – Hanover County
Frank Tetrick – Lancaster County
Randall Wheeler – Poquoson City

Danielle Powell – Counsel
Gina Mingee – Executive Director
Sandy Schubert – Clerk

ABSENT:
Barbara Dameron – Williamsburg City
Sharon Day – James City County
Elizabeth Holt – Charles City
Thomas Swartzwelder – King & Queen County
Stephanie Tinsley – Gloucester County
Matt Walker – Middlesex County
David Whitlow – Essex County

Mr. Quicke opened the meeting and determined that a quorum was present and welcomed the representatives of the ABM Corporation.

Re: Energy Performance Presentation

Ms. Mingee explained that about a year ago the Commission requested that she explore the feasibility of using an energy performance contract to improve and upgrade the aging building and equipment at the Center. Three companies were interested in giving a proposal, so with the help of Mr. Barksdale of the Department of Mines Minerals and Energy (DMME) and Ms. Tinsley, these company's presentations were evaluated and ABM was chosen to present before the Commission today. If approved to continue, ABM would complete an investment grade audit reviewing the entire facility needs and determine the cost of those needs. The cost of this audit would be $2,250, of which would be absorbed in the cost of the energy performance contract if we choose to move forward with ABM.

Nathan Botwright presented slides showing DMME's published study of energy performance contracts and the savings that can be achieved. He said these are guaranteed fixed price contracts with a payment performance bond showing savings on an annual basis. He explained that under the contract the Center would save about $25,000 per year on utility bills. The fifteen-year contract would be designed to self-fund through energy and operational savings, but the Center has more needs than can be self-funded. This proposal includes replacement or upgrades of the chiller, the building automation system, LED lighting, air infiltration and exfiltration, motors on air-handling units, cold plasma ionization unit, two condensing boilers and an indirectly fired water heater with energy pumps. The audit will take about 60 days and will breakdown the needs of the Center by item and cost, determining a grade on each asset in terms of need of replacement. The base project to be self-funded would be about $490,000 and the comprehensive program including the boiler replacement would be approximately $989,000. It was noted that each year the Center would have the option of paying for a study to determine if and how much of a cost savings was garnered in

the case that it did not meet the projection at which time payment of the difference would be required from ABM. Mr. Quicke thanked Mr. Botwright for the presentation and the representatives of ABM departed the meeting.

Re: Approval of Minutes for October 17, 2018
Mr. Wheeler moved to approve the minutes of October 17, 2018 as presented, seconded by Ms. Lewis. Motion carried unanimously.

RE: FINANCIAL REPORT
Ms. Mingee reviewed the utilization report and stated that the highest users of the Center during the first six months were Gloucester, York, and Hanover counties. The average daily population (ADP) for members was 20 with the addition of the state juveniles being 36. The leading charges to detain juveniles continue to be assault, burglary/larceny and robbery. Mr. Taylor inquired if any of these charges stem from drug-related issues. Ms. Mingee explained that the annual report did reveal that juveniles are self-reporting drug usage of 44 percent in all intakes.

Ms. Mingee said that most of the cash account, which includes the required service agreement funds and the capital reserve, is invested in an overnight fund with the Local Government Investment Pool (LGIP) in order to earn interest income. Revenue for the first six months reflects overages in state ward, due to juveniles that have not been transfer to the state facility, and the state assessment program, due to the volume of juveniles during that period. Those assessments will likely diminish in the next fiscal year when Newport News Detention begins the program. We are a bit behind in receiving our reimbursement from the USDA but expect payment in the third quarter.

Ms. Mingee noted that salaries are a bit under projection for this period, because we continue to be short counselor positions. With the exception of the prepayment of insurance, the additional fuel purchased during the hurricane, and the preparation for the DJJ monitoring visit, all expenses are within the 50 percent of budget-target. Mr. Wheeler said the balance sheet may need an explanation of why revenue had debits, and expenditures had credits.

RE: ATTORNEY REPORT
Ms. Powell had nothing to report.

RE: OLD BUSINESS
At the October meeting, Mr. Wheeler requested that all Merrimac Center positions, including the proposed career specialist position, be reviewed by the attorney as exempt or non-exempt under the Fair Labor Standards Act. Ms. Powell and the Human Resource Director of VML Insurance, Tina Stevens, reviewed each and determined that all positions were correctly classified except for the new career specialist.

Mr. Quicke opened the floor for questions about the energy performance presentation. Ms. Mingee explained that although the projected contract total was $989,000, the investment grade audit will give a more accurate cost of the contract. Mr. Partin explained that the fee for ABM would be built into the total contract cost, but the annual guarantee of 12 percent is for overhead and 9 percent is profit. Mr. Wheeler said that today's decision is to whether or not to authorize the audit. Mr. Wheeler said that after a few years there may be no need to pay an annual audit fee in order to show that the guaranteed return on investment is met. Mr. Partin asked that we check that the set point for the building temperature is not decreased in the agreement. After a short discussion, Mr. Wheeler moved to authorize the executive director to enter into a memorandum of understanding with ABM to complete an investment grade audit of the Merrimac Center at a cost of $2,250. Motion was seconded by Mr. Partin and carried unanimously.

RE: NEW BUSINESS
Ms. Mingee presented the annual report for FY2018 noting that is contains a summary of the past year, and most of what is contained in the report has already been brought before the Commission. She reviewed the section regarding the mental health issues reported by the juveniles on the Massachusetts Youth Screening Instrument (MAYSI) screening. These reported issues are addressed by the two clinicians employed by Colonial Behavioral Health and working at the Center. She also noted that the juveniles sent to us by DJJ make up about 45 percent of the overall population of the Center and appear behaviorally to have less mental health issues than the predisposition residents.

Ms. Mingee said that, currently, DJJ pays all facilities participating in state programs the same per diem for each resident that we serve no matter the level of service, the types of evidence-based programs, or the level of staffing. Last year DJJ tried to modify the per diem rate and base it upon incentives, but it was opposed by the other detention centers. The new statement of needs is requiring an increase in service, including a 90 day assessment, and an increase in training to include a cognitive behavior training program. They have asked for a budget narrative to be provided with the new proposal that indicates what we think it will cost the Center to provide these services. The per diem will most likely be based upon the budget that we submit and will include the new career-readiness position approved by the Executive Committee. The budget will be broken down by dedicated staff and overall operations of the building and supplies. This process may result in a change to the funding from DJJ, hopefully an increase, and it may change our projections for next year's budget. It will not have an effect on the rate for the central admission and placement (CAP) program, which will remain the same as previous years.

Mr. Quicke wondered, if in the future, DJJ might try to dictate how the Commission runs the Center knowing our reliance upon the CPP funding. Ms. Mingee said that in the past the CPP residents were not included in our three year certification audits, but now they will be included, which shows a higher level of involvement. Mr. Wheeler expressed concern that DJJ may recognize our need for the CPP funding and lower the per diem. Mr. Partin asked if we will be competing with more detention centers for CPP residents, and Ms. Mingee said that DJJ is trying to expand the program, but some centers are unable to meet the requests of the DJJ. DJJ wants to close Bon Air and have the juveniles' serviced locality and has, therefore, established a quality assurance unit to review the data and the quality of services at the detention centers.

DIRECTOR'S REPORT

Ms. Mingee reported that UNUM will provide the long-term disability, and the Center will self-fund the short-term disability for hybrid employees during the first year waiting period of our Virginia Retirement System account.

The Executive Committee approved the changes to the personnel policies, which included the addition of a floating holiday, and the policies went into effect on January 1.

As a result of an issue at the Shenandoah Detention Center, Ms. Mingee was asked to serve on a work group to review certain practices and resources that detention centers use. One thing that is being studied is use of the restraint chair during times when a resident may harm himself or others. DJJ was considering modifying or eliminating the use of the restraint chair, but the Board of Juvenile Justice (BJJ) had a split vote on the proposed revisions, so there is currently no change to the policies. This will be revisited by the Board at their next meeting. She noted that the Center has only used the restraint chair seven times since 2005. A survey will be done on what each detention center (that does not utilize the chair) does when a resident is trying to harm themselves. The results may then be presented at the next BJJ meeting in April.

RE: ADJOURNMENT

There being no further business, the meeting adjourned at 11:35 A.M.

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R. Morgan Quicke-Chair
Middle Peninsula Juvenile Detention Commission