

The Virginia Indigent Defense Commission

Budget Committee Meeting
1604 Santa Rosa Road, Suite 200
Richmond, Virginia
April 24, 2018

Judge Edward Hanson (ret.) called the meeting to order at 11:00 am. Other Commission members in attendance were Kristen Howard, Carrie Grady, and Jim Hingeley. Committee members not present were Steve Benjamin, Judge Rosenblatt (ret.), and Senator Richard Stuart. Administrative staff included Executive Director, David Johnson; Deputy Director, Maria Jankowski; and Office Manager, Diane Zubke.

Quorum requirements have been met.

The first order of business is approval of the meeting minutes.

Ms. Howard made a motion approving the May 9, 2017 meeting minutes. Ms. Grady seconded the motion. The motion carried.

The next order of business is the FY18 budget update.

Ms. Jankowski said the full Commission granted to this committee authority to approve end of year expenditures. As a reminder, as the end of the fiscal year approaches and there are expenditures that would exceed Mr. Johnson's spending authority of \$25,000, normally the full Commission would need to approve those expenditures but because the full Commission is not meeting until late June they delegated that authority to the budget committee.

In the meeting materials the first document is the FY18 budget, the first column is the actual FY18 budget, the second is the actual FY18 year to date through March, the next is the April-June forecast, the next column is the total forecasted expenses, and the final column is the adjusted budget balance.

We anticipate to have a carry forward of \$243,680. This is money left over in our account. Pending approval of some of these expenditures this would be our carry forward.

One of the expenditures we will be requesting is prepaying twelve months rent for next year. As a reminder, we prepaid 12 months last year which is why we have the funds to prepay again.

There was discussion regarding prepaying rent.

Ms. Jankowski said we reached out to the public defenders to determine their needs. We have a long list of requested items. The Petersburg office is moving so they need different

furniture. There are several items we know we will have to pay for, for instance, we have one more boot camp and we have not paid for the management conference. Those bills have not come in yet. This is all factored in here.

We requested funds to buy new computers next fiscal year. The computer request made it into the Governor's budget and made it out of the House and the Senate. We are going to ask you to let us buy the monitors. We will buy the monitors with funds from FY18. If all goes well there will be enough in next year's budget to cover the computers.

There was discussion regarding turnover and vacancy.

Mr. Johnson said our voluntary turnover was about eleven percent for the lawyers last year; factor in those who were asked to leave it was about fourteen percent. We have a higher turnover for support staff especially in northern Virginia.

Ms. Jankowski said in short-term disability benefits there is an overage of \$131,487. Because we never know what that is going to be we budget it in salary and then expend it in short-term disability.

Line item building rentals is an overage of \$1,288,671. This accounts for the prepaid twelve months rent.

There was discussion regarding salaries and pay practice.

Mr. Hingley made a motion to approve prepaying twelve months rent. Ms. Howard seconded the motion. The motion carried.

Mr. Johnson said one of the things our IT Department is working on is our infrastructure and ways to strengthen it. We have had a couple cyber-attacks we pushed out.

We are creating a back-up server site in our Lynchburg office because they are over the mountain where there is a different weather pattern. It is dangerous having back up sites in the same location. They have a room that will house a back-up server.

Ms. Jankowski said the next item for approval is IT expenditures to include 600 monitors to total \$119,028. Additionally, network hardware for the failover site in Lynchburg is \$11,483. Replacement network hardware for out of support equipment in field offices is \$13,988. Three-year maintenance/support for network hardware totals \$16,488 for a total of \$41,959.

Server purchase for the administrative office to replace old and out of support servers to include VMware management software is \$21,909. Server purchase for Lynchburg failover site is \$14,939. Add to the above-mentioned monitors at \$119,028 for a total of \$197,832.

Ms. Howard moved to approve computer purchases. Mr. Hingeley seconded the motion. The motion carried.

The next item on the agenda is the proposed FY19 budget.

Ms. Jankowski said despite the fact the General Assembly has not given us a budget we still want to present our proposed budget to you for review and input and ask to recommend to the full Commission.

There are some new items we will highlight and bring to your attention.

To give you some perspective, in the meeting materials the budget tabs are FY19 Agency Wide, FY19 Trends, (FY15, FY16, and FY17) are actuals, to give you some perspective. The last tab is broken down by service areas.

The four service areas are:

32701 Public Defender Offices

32702 Capital Defender Offices

32703 Regulatory – Standards of Practice Enforcement and Certification

32722 Administrative

The General Assembly actually gives us the money in these separate service areas.

We have six investigator I's who are the only investigator in their office. We think if someone is the only investigator in an office they should be an investigator II.

There was discussion about the difference between an investigator I and II.

Ms. Jankowski said all in based on these people it is going to be \$49,728 continuing cost. This is in the proposed FY19 budget.

There was discussion regarding the cost difference in payroll benefits in FY18 and FY19.

Mr. Johnson explained money gets added as health care costs come in throughout the year,

Ms. Jankowski said we budget annual leave, workman's comp, sick leave, etc., in salaries and payout in the respective accounts because we cannot predict these items.

The one vote we need is to reclassify these six positions.

Mr. Hingeley made a motion to recommend to the full Commission to reclassify six investigator I's to II's in the offices where there is only one investigator. Ms. Grady seconded the motion. The motion carried.

Ms. Jankowski said some things to highlight for next year's budget. We have really benefited from the Gideon's Promise Fellowship Program and have added to this budget sending three of our attorneys and taking on three fellows. As a reminder, the fellows do not cost us anything in salary and benefits because they are free to us for a year but we need to pay for sending them to the training program. Budgeted in FY19 is about \$55,800 to send six people to Gideon's Promise.

Gideon's Promise is a core program for two weeks of intensive training then every six months for three years for an extended weekend training.

Also included in this is paint and wall paper for the Roanoke office. When we renegotiated that lease we were able to keep a really good rent cost with the caveat that we would have to pay for improvements.

Included in this budget is more money for the IDC fellows. This is a fellowship we pay for that mirrors what the law schools do, and that is four months at approximately \$2000 per month. We actually pay them hourly. Also included in this budget is the cost to upgrade the computers which we think we are getting from the state that was in the budget bill.

Mr. Johnson said the law school has a limited number of fellowships and we have three fellows lined up to go to our offices. Our hope is if they spend four months with us, pass the bar, and get a job.

Ms. Jankowski continued, also included is the cost to upgrade computers we believe we are receiving from the state in the budget bill. Other items in this budget are a monitor to view body cam videos, secretarial chairs, other furniture, and new cubicles,

Also included is a little over \$20,000 for google vault software that would allow us to change our email from idc.virginia.gov to our new vadefenders.org and includes our licenses.

Mr. Johnson added that initially the cost was going to be really high but this is a much more cost-effective way of doing it.

Ms. Jankowski said we are budgeting to continue to pay for a pilot program we have been trying to get off the ground which we got a grant to pay for this year. It is a text message notification to our clients about when they have to be in court. It is a great system that personalizes the messages.

Petersburg and Richmond were chosen for the pilots. We want to get about eight or nine months of data to see if we are really cutting down on the failure to appear. Our hope is to be able to absorb the cost next year to do it again. At that point we want to take it to the powers that be to show how much it saved the Commonwealth in overnight jail costs. Several months ago, these two offices were requested to manually start keeping track of the number of failures to appear so we can have a baseline.

There was discussion regarding tying it in with the Crime Commission's study.

There are additional funds in this budget for training and travel, specifically an initiative Mr. Johnson would like to see more chiefs and deputies attending the National Association of Public Defender leadership management program.

Mr. Johnson said he sees training as a retention piece and has encouraged people to send their keepers as a reward. We sent ninety people to out of state training this year. This is a cheap way to invest in people who are going to stay with us.

The budget total is \$51,286,554.

Ms. Grady made a motion to recommend to the full Commission approval of the budget as proposed including the highlighted items as discussed. Ms. Howard seconded the motion. The motion carried.

There was no further business.

Ms. Grady made a motion to adjourn. Ms. Howard seconded the motion. The motion carried.

The meeting adjourned at 12:15 pm.

Respectfully Submitted:

Approved By:

Diane D, Zubke, Office Manager

David J. Johnson, Executive Director