

MEETING MINUTES

STATE PUBLIC DEFENSE COMMISSION

Date | time 5/3/2016 1:00 PM | *Location* Borah Building, 4th Floor Conference Room (Idaho Office of Drug Policy), 304 North 8th Street, Boise, ID 83702

Meeting: May Commission Meeting

Commission members present

Darrell Bolz, Chair, Juvenile Justice Comm. | Sara Thomas, Vice Chair, SAPD | Christy Perry, Representative | Chuck Winder, Senator | Kimber Ricks, Madison Co. Comm. | William Wellman, Defense Attorney | Linda Copple Trout, Administrative Director of the Courts (arrived at 1:11)|

Nichole Devaney, Admin. Asst.

Commission members absent

Others present

Item	Responsible
<p>1. Welcome and Call to Order: Chair Bolz called the meeting to order at 1:02pm.</p> <p>Motion and Order to Amend Agenda: Ricks , commission member moved that this governing body, pursuant to Idaho Code 74-204, amend the agenda for this meeting as follows:</p> <p>Addition of meeting minutes from previous meetings & CEC Distribution Plan.</p> <p><i>Good faith reason item was not included in posted agenda:</i></p> <p>Minutes review was mistakenly left off and a meeting with DFM necessitating the need for the CEC Distribution Plan took place on 4/29/16 after the agenda was posted.</p> <p>Roll Call Vote:</p> <p>Darrell Bolz, Chair - Yes</p> <p>Sarah Thomas, Vice Chair - Yes</p> <p>Chuck Winder, Member - Yes</p> <p>Linda Copple Trout, Member – Had not yet arrived</p> <p>William Wellman, Member – Yes</p> <p>Kimber Ricks, Member - Yes</p>	Bolz
<p>2. Approval of prior Meeting Minutes (04/05/16): Wellman moved to approve the minutes Commission from the previous meeting held on April 5, 2016, Ricks seconded and the motion was approved unanimously.</p>	
<p>3. CEC Distribution Plan: A CEC plan is required to be filed with DFM, one has not been submitted to date. The CEC plan is the plan for which any Change in Employee Compensation can occur based on the individuals evaluation. Thomas asked the Admin. to check with Racheal Murray to see if she could gain access to the HR system in order to</p>	Bolz

complete the Admins evaluation. Thomas agreed to do the evaluation and have it completed by the next day if access is granted. Thomas explained that four levels of compensation are available in the matrix within the CEC. The levels from the previous year were 0, 2.5 & 3. Wellman motioned that the CEC matrix be set at 0, 2.5, 3.0, 3.5 for FY2017, Thomas seconded the motion and all members were in unanimous agreement

4. **Discussion on Draft Grant Application:** Thomas offered that this is just the first draft and she knew there would be a great number of changes. Thomas

How Does the County Provide Public Defense Services: There was some discussion as to how Washington County would fit into this category. Wellman asked if the commission would back him in speaking to the county commissioners regarding their non-compliance with the statue. The members indicated they would be fine with that. A question was raised as to how the county merger grant application would work? Wellman suggested adding an addition box to be checked if a county would be merging with another county. Thomas suggested adding an MOU (Memorandum of Understanding) that will indicate two counties are merging. The members agreed that it will need to be clear that each county should complete the application and that data should be for only that county.

Ricks offered that the due date for the application should be on the top of the page. Thomas reminded the members they agreed to have the forms available at the June IAC meeting however it will only be in draft form.

Page 2 - Define Electronic Case Management System and Caseload. The members decided this section should include the Idaho Supreme Court definition of a case.

How Was Public Defense Funded: This section should list the following categories; general fund, justice fund, indigent levee and other with an area to include the amount expended and the percentage used from each fund. As well as the amount paid into the capital defense fund. Additionally the question should specify "in your county".

Page 3: How Does the County Plan on Spending This Grant; Trout offered that they ask "if available attach and itemized budget". Wellman asked that at the IAC Meeting presentation it be suggested that counties budget to receive the maximum amount of the grant.

What is the Local Calculation For Your County: Median should be defined in this section. Ricks offered that the signature portion should specify whom should be signing. Title or some other indicator.

The time period for which the commission is asking for data should be indicated somewhere on the form as well. The members decided the time period should be consistent with the counties fiscal year. Wellman suggested 10/1/2014 -9/30/15.

Thomas will make revisions for review at the next meeting.

The next meeting is to be held on May 31st at 9:00am – 11:30am; location Borah Building

5. **Discussion on Rules Regarding Administration of Continuing Education Funds:** Bolz revised the former draft to reflect the definitions as specified in the statue. Additional revisions include: #2 and top of page 2 - should read indigent defense provider and SAPD reference should be removed. Bolz

21-1a – In regards to who is eligible for the training Thomas asked who the commission feels should be eligible? They agreed the counties are responsible for updating the list of attorneys providing services and they should update the PDC office whenever staff changes are made. A section should be added to the grant application to provide a list of attorneys currently providing services.

Top of Page 3: additional revisions are needed to be in compliance with the statute. All of Section A should be deleted. Remove all references to application for training.

32.1.B – Remove subsequent fiscal year. Preference will be given to those who have not received a PDC scholarship in previous three fiscal years.

31e: Should be removed.

Page 4: a(i) How notification is provided should be clear and specified in each category. (b) Should be moved down to section (ii).

Bolz will make the additional revisions and forward them to the members for review. Bolz asked which route these rules should take. The members suggested that the chair see if it can be a temporary rule at the moment then go through the negotiated rulemaking process. Perry will be more comfortable with a temporary rule if the commission checks with the IAC to insure they are comfortable with a temporary rule.

Page 5: d(iii) add registration portion

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| 6. | CLE to be held May 27th on Immigration Consequences of Criminal: Convictions: Meeting our 6th Amendment Responsibilities: Thomas offered that the morning will be immigration law, afternoon will be spent on when to seek an expert and the proper way to go about that as well as crimes and their consequences. | Thomas |
| 7. | Commission Financial Status: Moved to the end of the month meeting. | Devaney |
| 8. | H0504 Fulfillment: Admin to send strategic plan out to all members. | Bolz |

Motion and Order to Amend Agenda: Thomas, member moved that this governing body, pursuant to Idaho Code 74-204, amend the agenda for this meeting as follows:

Addition of Lease Agreement Approval

Good faith reason item was not included in posted agenda:

The lease agreement was not available at the time of original agenda posting.

Roll Call Vote:

Darrell Bolz, Chair - Yes
 Sarah Thomas, Vice Chair - Yes
 Chuck Winder, Member - Yes
 Linda Copple Trout, Member - yes
 William Wellman, Member – Yes
 Christy Perry, Member – yes
 Kimber Ricks, Member – Yes

Lease Agreement: Thomas moved to approve the amended lease, Wellman seconded. The members unanimously agreed pending Linda Miller's approval and any subsequent changes.

Item	Responsible
<p>9. Executive Session: Pursuant to Idaho Code 74-206, convene in executive session to consider personnel matters and or litigation (Idaho Code 74-206(1)(a) & (f)). Linda Trout, member moved that the board, pursuant to Idaho Code 74-206, convene in executive session to consider personnel matters (Idaho Code 74-206(1)(a)).</p> <p>Purpose/Top summary: The members discussed the offer made to Ms. Simmons for the Executive Director Position and her subsequent response.</p> <p>Convene At: 2:35pm Adjourn At: 3:03</p> <p>Roll Call Vote:</p> <p>Darrell Bolz, Chair - Yes</p> <p>Sarah Thomas, Vice Chair - yes</p> <p>Chuck Winder, Member - yes</p> <p>Linda Copple Trout, Member - yes</p> <p>William Wellman, Member – yes</p> <p>Kimber Ricks, Member - yes</p> <p>Christy Perry, Member – yes</p> <p>Thomas moved that the commission members enable the chair to extend to their first choice the invitation of the ED Position at the salary advertise and to notify the other candidates that they are not able to extend an offer to them at this time. Winder seconded, the members unanimously agreed.</p>	Commission
<p>10. Adjournment: Trout moved to adjourn the meeting, Thomas seconded, the members unanimously agreed. The meeting was adjourned at 4:30pm</p>	Bolz