

# MEETING MINUTES

## STATE PUBLIC DEFENSE COMMISSION

*Date | time* 8/19/2015 1:00 PM | *Location* Canyon County Administration Bldg., 1<sup>st</sup> Floor Meeting Rm.,  
111 N. 11<sup>th</sup> Ave., Caldwell, ID 83605

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*Meeting* Annual Commission Meeting

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### Commission members present

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Molly Huskey, Chair, District Judge | Darrell Bolz, Vice Chair, Juvenile Justice Comm. | Kimber Ricks, Madison Co. Comm. | Sara Thomas, SAPD | Chuck Winder, Senator

Ian Thomson, Exec. Dir. | Nichole Devaney, Admin. Asst.

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### Commission members absent

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William Wellman, Defense Attorney | Christy Perry, Representative

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### Others present

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Kathy Griesmyer, ACLU

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Item	Responsible
1. <b>Welcome and Call to Order:</b> The meeting was called to order at 1:00pm.	Huskey
2. <b>Approval of prior Meeting Minutes (6/18/15):</b> Mr. Bolz moved to adopt the previous meetings' minutes, Senator Winder seconded the motion, and the vote to approve was unanimous.	
3. <b>Annual Elections:</b> A motion was made by Ms. Thomas, seconded by Mr. Bolz, to reappoint Judge Huskey as Chair. Motion carried unanimously. A motion was made by Judge Huskey, seconded by Ms. Thomas to reappoint Mr. Bolz as Vice Chair. Motion carried unanimously.	Huskey
4. <b>Annual Budget Report: Operating Costs:</b> The commission operated at 57% of the appropriated budget. Approximately 33% of those cost were onetime expenses used toward office set up and will not be needed in FY2016. FY2016 Anticipated Expenses: Salaries include the max increase allowed per the State Budget. Operating costs projections include increases in a few areas where expenses are typically expected to increase. Trustee and Benefit allocations include \$8,500 in training travel reimbursements from FY2015, due to a processing delay on the part of DFM.	Thomson
5. <b>Executive Director Report</b>	Thomson

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- a. **Commission Information Binders:** Binders were distributed, ED Thomson summarized each section. A digital copy will be forwarded to all members.
- b. **FY 2016 Training Proposal and Calendar:** ED Thomson recommended scheduling FY2016 trainings to coincide with the Prosecutor's trainings scheduled in February and August 2016. The court system is essentially shut down during this period anyway, therefore court schedule conflicts would be minimal. Ms. Thomas asked if it were possible for the Commission to partner with IACDL for the March conference. To act as Co-host, contributing a sum of money and then reimburse for travel expense for PD's from our roster that attend. Ms. Thomas asked that we check on group rates for hotels in Ketchum. Judge Huskey stated that co-hosting with IACDL would be the best option for this year given the circumstances. Adding that she would like to see IACDL kick something in on the PDC training in August as a part of the deal. ED Thomson agreed to contact Debbie and IACDL to discuss options.

Devaney

Ms. Thomas suggested conducting an appellate training with national presenters, a program similar to that held in New Orleans. She had something in the works for the state appellate office but it could be expanded to all PD's. Judge Huskey and Ms. Thomas also liked the idea of a Child Protection conference but felt it should be two days considering the depth of the materials.

Ms. Thomas motioned, Mr. Bolz seconded to have a Child Protection and Parental Termination two day conference on February 4 & 5 in Boise, a one day Mental Health conference on April 15<sup>th</sup> in Twin Falls and finally a one day Appellate Training in early May, location to be determined. The motion carried unanimously

Senator Winder motioned to accept the training calendar, Comm. Ricks seconded. The motion carried unanimously.

- c. **FTP submission to DFM to be included in budget for FY 2017:** Ms. Thomas stated that the position was originally voted to be half training coordination and half council to county commissioners, she wondered what had changed. ED Thomson explained that Dan Chadwick had said he had someone providing this service already at the June IAC meeting. Ms. Thomas said she had spoken to Mr. Chadwick and that was not the case, he would like to see the PDC offer another avenue to the commissioners regarding contract advisement. Judge Huskey stated that the reason the counsel mechanism was pulled from the position was due to possible conflicts it could create between the Commission and Counties. She further added that in her opinion the counsel mechanism would be a position better suited for IAC. Judge Huskey and Senator Winder requested that ED Thomson rewrite the position justification incorporating responsibilities of the executive director position that may not be getting done due to time constraints or other limitations. After which a special meeting could be called to decide on the position if needed to meet the September 1<sup>st</sup> deadline.

**Executive Director Position Vacancy:** Ms. Thomas recommended the position be posted as soon as possible, all members agreed. Judge Huskey then noted a few revisions to the original position announcement requesting that a draft be submitted

to the members for final approval prior to posting. It was suggested that the announcement be posted on the State Bar site in addition to the state website. The members agreed that the announcement posting should occur no later than August 25<sup>th</sup> and remain open for a two week period with all application materials received in the office no later than 5pm on September 8<sup>th</sup>. Applications could then be reviewed electronically.

Judge Huskey requested that the administrative assistant's hours be extended to Monday – Friday 9:30am to 3:00pm for the months of September and October until a replacement could be hired, pending DFM approval.

6. **Executive Session:**

Scott Zanzig from the Attorney General's Office entered the room. This prompted Ms. Thomas to make a motion to move into an Executive Session as authorized by subsection 74-206F. The purpose of the executive session would be to discuss the now-pending litigation and personnel matters. The executive session would be attended by the commissioners only, along with counsel from the Attorney General's Office. Mr. Bolz seconded the motion. A roll call vote was taken with all present members (5) unanimously agreeing. The public session was adjourned at approximately 2:00pm and reconvened promptly at 2:45pm.

7. **Discuss feedback for Suggested Contract Terms, finalize for submission (for county use):**

Ms. Thomas stated that the feedback received referenced what had not been included in the terms rather than what had. She moved that the commission vote the terms in as is. ED Thomson relayed that there were a few sections that had not been completed. An edit to page 12 is needed to reflect the Odyssey and supreme court definition, Ms. Thomas agreed to provide the revisions needed on page 11 (minimum requirements) by Monday, Aug. 24. Case Completion should read exactly as the supreme court definition does. Page 7, (Significant/material increases) would be left as is for the parties to negotiate, possibly adding [to be determined by county].

8. **Discuss proposed Idaho Uniform Public Defense Annual Report (for county use):**

The form is modeled after the information referenced in the model contract terms. Some information that was referenced in the proposed data collection worksheet has not been included on this report as it is anticipated that Odyssey will collect this information once fully operational. ED Thomson offered that the reporting requirement statute reads that attorneys should be reporting on the number of persons and crimes involved which is a wholly different report than what the commission is requesting. He asked if the commission is comfortable asking for case types with the knowledge that the statute ask for crimes involved. The members agreed that the crimes involved information would already be reported through the Odyssey system.

ED Thomson asked for input on the Employee Profile section. Ms. Thomas suggested that it should read "Estimated hours spent per week". She also asked that #'s 4, 5 & 6 from the Proposed Data Collection worksheet be included. ED Thomson suggested possibly adding an E Section to request that information.

ED Thomson asked if he could make the changes, once approved by the commissioners then send it to Dan Chadwick for distribution to the commissioners. All members said that was acceptable.

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Item	Responsible
9. <b>Discuss temporary rules for Public Defender Training and Scholarship Qualification:</b> Ms. Thomas asked that the vote on the rules content be held until the next meeting.	
10. <b>Presentation of Workload/Caseload summaries:</b> Postponed due to time.	Thomson
11. <b>Set Future Meeting Schedule:</b> Possible meeting in two weeks, middle of week AA to send a doodle.	
<b>Agenda Items for Next Meeting</b>	
High Quality Representation in Child Welfare Case (Debra Alsaker-Burke)	
<b>Next Meeting Location</b>	
12. <b>Adjournment:</b> Ms. Thomas moved to adjourn, Senator Winder seconded.	Huskey

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Attachments:

- FY2015 Annual Budget Report
- FY2016 Budget Forecast
- FY2015 -2017 Training Schedule
- FTP – Training Director Request
- Summary of Public Comments RE Suggested Model Contract Terms
- Idaho Uniform Public Defense Annual Report
- Proposed Data Collection
- Training Temporary Rules
- Caseload – Workload Study Summaries