

# MEETING MINUTES

## STATE PUBLIC DEFENSE COMMISSION

*Date | time* 8/2/2016 1:00 PM | *Location* PDC Office, 816 W. Bannock Street, Suite 201, Boise, ID 83702

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*Meeting:* August Commission Meeting

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### Commission members present

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Darrell Bolz, Chair, Juvenile Justice Comm. | Eric Fredericksen, SAPD | Christy Perry, Representative | Chuck Winder, Senator | William Wellman, Defense Attorney | Linda Copple Trout, Administrative Director of the Courts (arrived at 1:25pm)

Kimberly Simmons, Executive Director  
Nichole Devaney, Admin. Asst.

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### Commission members absent

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Kimber Ricks, Madison Co. Comm. |

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### Others present

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Kelly Jennings, PDC Deputy Director | Andrew Messer, PDC Intern | Kathy G, ACLU | Jared Hoskins, Legislative Services |

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Item	Responsible
1. Welcome and Call to Order: Chair Bolz called the meeting to order at 1:05pm	Bolz
2. Approval of prior Meeting Minutes (7/14/16): Revisions were requested on Page 2, Justware should be \$25,000. Page 4 section A, JFAC needs corrected. Wellman motioned to approve the meeting minutes from July 14 <sup>th</sup> with the requested revisions, Fredericksen seconded and the motion was unanimously approved.	Bolz
3. Election of Officers: Wellman moved that Chair Bolz be reinstated as Chair, Perry second. Bolz Winder motioned to close the nominations for chair, Fredericksen seconded. The members voted unanimously to elect Bolz as Chair. Wellman moved to nominate Perry as vice chair, Winder seconded. Wellman motioned to close the nominations for Vice Chair. The members unanimously elected Perry as Vice Chair.	Bolz
4. Budgets	Simmons
a. FY2016 Final Expenses: The members reviewed the handout, while the admin highlighted some of the expenses.	
b. FY2017 Updated Budget in H0504: The admin updated the fiscal impact worksheet previously provided to reflect the current salaries of the Executive and Deputy Director positions.	
c. FY2018 Proposed Budget: The budget is a work in progress, the commission will need to revisit any proposed changes to allocations at a later date prior to the September 1 <sup>st</sup> deadline.	

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<p>5. Executive Director Report</p> <ul style="list-style-type: none"> <li>a. District Meetings Update: ED Simmons will meet with Ada County on August 12<sup>th</sup> after missing a meeting on the prior day. The schedule for meetings with the northern counties are filling up. Those meetings will be occurring the week of August 15<sup>th</sup>. Only five counties remain that ED Simmons has not met with at this time. Dan Chadwick and Justice Trout will help to set up meetings with the remaining counties. ED Simmons shared that the meetings have been very helpful to both her and the counties. 43 grant applications have been received which may not have been the case had the meetings not occurred. She was very glad she had the opportunity to speak with Adams county prior to the grant application deadline as they were not intending to apply, through her encouragement they did. Perry asked why the one county did not apply, ED Simmons responded that the PD told her the commissioners thought that there would be strings attached so they decided against it.</li> <li>b. Deputy Director Position Update: ED Simmons introduced Kelly Jennings as the new Deputy Director. She will start work on August 29<sup>th</sup>.</li> <li>c. Intern Update: ED Simmons introduced Andrew Messer. Andrew has already completed a few research tasks for the commission. ED Simmons has a few other items for him to look at. Explaining the she would like Messer to research other states inclusion of a “Comprehensive Plan” in their systems. Perry offered that the interim committee considered the use of a “Comprehensive Plan” however it was not well received. The grant application was intended to include a plan. The members then asked a few questions of Messer to include his education and professional experience.</li> </ul>	Simmons
<p>6. Promulgation of Standards/Rules: ED Simmons explained notices had been submitted and would be posted in the legislative bulletin on August 3<sup>rd</sup>, 2016 regarding the training rules. She went over the standards document she prepared explaining the ADPAP 61-01 is where the Commission’s rules will be placed. The standards for defending attorneys will be listed as 61-01-07. The rules utilize incorporation and/or references to spell out the standards. This allows the Commission to reduce the number of pages required to be printed in the bulletin, in turn reducing cost. Trout asked if the standards can then be changed without having to go through the whole process. Bolz responded that no, any changes will require following the normal process. The members then discussed revisions to the draft in detail.</p>	Simmons
<p>Page 1, section III(B): Shall was changed to should. Section III(B)a-g: case load numbers were removed until the grant application numbers have been provided to use as a guide.</p>	
<p>Page 2, Section III(F): Added for clarity to those who hold a supervisory role in the system. Section V(F): The members asked that this wording appear in both section V(F) and VIII (B).</p>	
<p>Page 3, Section VI(A) and (C): were reworded for clarity. Section VIII(B): was added as referenced above.</p>	

Item	Responsible
Wellman asked that a copy of the revised draft be forwarded to the members as soon as possible for further consideration. ED Simmons agreed to have case load numbers from the grant applications available a week in advance of the next meeting.	
7. Extraordinary Litigation Definition: ED Simmons suggested that the definition may need to be different for every county. The rural counties have a very different need than the larger counties and a boiler plate definition would probably not work. Adding that there may be a need for different allocation calculations depending on the county. Dan Chadwick will be supplying some survey information he gathered from the counties that should be helpful, it will be available at the next meeting	Simmons
8. Grant Applications: As previously stated, 43 applications have been received. Local Shares for the counties totaled 22.7 million resulting in a total of 3.6 million in possible grant funding. Mini-Cassia are the only counties eligible for the merger grant at this time. Power and Oneida are intending to join; they are currently developing their MOU. ED Simmons recommended that any merged counties or those intending to merge receive the full amount of the grant. Bolz asked that ED Simmons provide the members with a copy of the grant summary worksheet. The members suggested that they may need to hold a meeting prior to the one scheduled for September 6 <sup>th</sup> to discuss the grant awards and the FY2018 budget prior to September 1 <sup>st</sup> . They decided on August 30 <sup>th</sup> at 1:00 to hold the next meeting. Wellman asked if the members had any objections to providing a press release on the grant applications. The members agreed that a press release would be a good idea, leaving out any references to counties that did not participate if possible. ED Simmons noted that Boise county is considering going in house. Canyon provided an adjusted grant amount they are requesting based on the counties current fiscal year. And, Bear Lake plans to join with other counties. She asked what information the members would like included on the summary worksheet. Bolz expressed that he would like to see numbers (local share, maximum grant amount), and plans with respect to the money. Perry asked that any odd or strange items be noted. Adding that she really likes the idea of a press release. It would be nice for the legislators and other stakeholders to see the success of the program. Winder suggested sending it to the legislators. Offering that Legislative Services may be able to help with distribution in that regard.	Simmons
9. Kootenai County Testimony Request: Kootenai County has filed a motion against a death penalty conviction arguing it will be too costly for the county. ED Simmons asked for the member's opinions on what information her testimony should contain. Wellman made it clear that he is opposed to the Death Penalty as it does not benefit the citizens of the state. Bolz asked if the county is receiving capital crimes funding? ED Simmons was not sure. She agreed to circulate the brief for their review. Fredericksen expressed that he has some concerns, but he would like to review the brief before expressing those. Perry shared that this could be the first of many instance where the Commission is asked to testify in this regard. Fredericksen agreed, stating that is why the commission will need to consider the boundaries.	Simmons
10. 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) &/or (f)). There was not a need to convene into an executive session.	Commission
11. Future Meeting Schedule: September 6, 2016 at 1:00pm, meeting cancelled in lieu of August 30 <sup>th</sup> at 1:00pm.	

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Item	Responsible
12. Next Meeting Location: PDC Office - 816 W. Bannock Street, Suite 201, Boise, ID 83702	
13. Agenda Items for Next Meeting : Grant Applications, FY2018 Budget and Extraordinary Litigation Survey	
14. Adjournment: Wellman motioned to adjourn the meeting, Fredericksen seconded and the Bolz motion was passed unanimously.	

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Attachments:

- FY2016 Final Expenses
- FY2017 Fiscal Impact
- Standards for Defending Attorneys Draft
- Rules for Defending Attorneys Draft
- Grant Application Spreadsheet