



**Board of Corrections
Minutes of January 17, 2012, Meeting
10:00 a.m. to 3:00 p.m.
Located in: The Board of Corrections
Conference room
32 Blossom Lane, Marquardt Building – 3rd Floor,
Augusta**

Members Present:

Chair Mark Westrum, Two Bridges Regional Jail (Maine County Jail Administrators); **Douglas Beaulieu**, Aroostook County (Maine County Administrators); **David Bowles**, York County (Maine County Commissioners Association); **Ric Hanley**, Spring Harbor Hospital (Mental Health); **Commissioner Anne Head**, Maine Department of Professional and Financial Regulation; **Sheriff Randall Liberty**, Kennebec County Sheriff's Office, (Maine Sheriff's Association); **Commissioner Joseph Ponte**, Maine Department of Corrections; **Stuart Smith**, Maine Municipal Association

Interim Executive Director: Timothy Leet, Howe, Cahill & Company

Executive Associate: Kelene Barrows, Maine Department of Corrections

Handouts:

- Agenda of 1/17/2011
- Minutes 12/20/2011 meeting
- BOC/CW Update for MCCA Discussion Purposes 1/11/12
- SBOC – FY12-13 & Historical Financial Analysis
- Fiscal Agent Report to the BOC

Welcome and Introductions:

BOC Chair Mark Westrum welcomed everyone and introductions of all Board members proceeded. It was noted that the Board of Corrections meeting would be broadcast live over the internet at: <http://www.maine.gov/corrections/>. Chair Westrum also had members from the audience introduce themselves.

Executive Session:

Motion:

- Ric Hanley made a motion for the Board to go into Executive Session to discuss a personnel issue pursuant to 1 M.R.S.A §405 (6) (A); seconded by Stuart Smith.

Vote:

- All were in favor; passed as unanimous.

After the Executive Session, all interested parties were asked to come back into the Board room for a regularly scheduled Board of Corrections meeting.

Report of the Chair:

- ***Replacement of former member:***

BOC Chairman Mark Westrum shared with the Board that the Governor's Office has accepted the name of Former State Senator Vinton Cassidy from Washington County as an appointee to the Board of Corrections. If approved, Vinton Cassidy will replace public member Tim King, who recently resigned. Mr. Cassidy is awaiting instructions on the requirements of the confirmation process.

- ***Annual Report:***

The BOC annual report will be presented to the Joint Standing Committee on Criminal Justice and Public Safety on Monday, January 23, 2012. The Board was given a reprieve from an earlier reporting date of January 12, 2012, to allow additional time to work on the report. Interim BOC Executive Director Tim Leet is working feverishly on trying to finish the report. There are a couple more days to get the report done and anyone that would like to contribute to the annual report must get in touch with Tim Leet as soon as possible.

- ***DOC's meeting with Criminal Justice and Public Safety Committee meeting on January 12, 2012:***

Commissioner Joseph Ponte mentioned that the Department of Corrections met with Joint Standing Committee on Criminal Justice and Public Safety on January 12, 2012. The Department of Corrections presented a report on several initiatives including a ten-year Government Evaluation Accountability (GEA) report. It was mentioned that this presentation was well received by the Joint Standing Committee on Criminal Justice and Public Safety.

Business Meeting:

- ***Approval of Minutes:***

Motion:

- Stuart Smith made a motion to accept the December 20, 2011 minutes; seconded by Ric Hanley.

Vote:

- All were in favor; unanimously passed.

- ***BOC Fiscal Agent Report:*** <http://www.maine.gov/corrections/BOC/refs/FAReport.pdf>

Overview:

BOC Fiscal Agent Scott Ferguson presented a summary of the Board's monthly package that was published on January 5, 2012. Mr. Ferguson reported that the investment fund has not changed

all that much as far as actuals are concerned. However, at some point there will be some potential motions from the Corrections Working Group that will have an adverse effect on the Investment Fund. Mr. Ferguson reported that given the restatement of the Somerset County Cap resulting in an additional annual cost of \$418,415 and a proposed funding request to Somerset County of \$281,409 for FY11, the projected fiscal year remaining balance is (\$61,653). Mr. Ferguson further mentioned that the current investment fund balance as of December 31, 2011 is \$4,632,756. This amount is based on what was budgeted and assumes all payments were made.

York County Manager Greg Zinser shared with the Board that York County as of this morning has finalized a total revision of their budget. Mr. Zinser indicated that he has requested that CRAS be reopened to enter a modified fiscal FY12 budget for reporting and projections. He further mentioned that all required work should be completed within a week.

Outcome:

Chairman Westrum asked that the Corrections Working Group to revisit the capital reserve amount at their next meeting. The purpose of revisiting or reconciling this amount is to let Mr. Ferguson get this final number into his report.

- **Discuss adoption of a FY13 Growth Rate and Budget Submittal date:**
<http://www.maine.gov/corrections/BOC/refs/FY12-13%20&%20HisFinAna.pdf>

Overview:

Interim BOC Executive Director Tim Leet and BOC Fiscal Agent Scott Ferguson presented a handout on what the current financial situation is with the Investment Fund. The summary lays out where the Board stands financially and will hopefully give some direction to Board members on adopting a growth rate for FY13 and determining a budget submittal date.

Outcome:

Motion:

- Ric Hanley made a motion for the Board to approve the 3rd quarter disbursements; seconded by Sheriff Liberty.

Discussion:

- It was noted that some of the smaller counties do need their 3rd quarter disbursements.
- It was noted in FY10 some counties managed on six months worth of payments for the entire year.
- There was concern that many counties can make it a whole year with just two quarterly payments.
- It was noted that there were quarterly payment commitments made by the prior Board and this Board should probably fulfill their responsibility since many of the counties plan on that payment when they put their budgets together.
- It was noted that board members should not to be surprised if a run rate shows that expenditures don't meet projections in the 4th quarter.
- It was asked if the Board should defer the 3rd quarter payment issue until next meeting to see if the financial picture gets any better.

- It was suggested to make the 3rd quarter payments contingent on completing required projections.

Friendly Amendment:

- Sheriff Liberty offered a friendly amendment to make the third quarter payment contingent upon the submittal of projections that were previously due on December 15, 2012.

Discussion:

- BOC Fiscal Agent Scott Ferguson will pull the report together and send it to Chairman Mark Westrum with instructions.
- It was noted that you have to submit your projections to get payment.
- The question was asked if it is a reversal of the previous Board's motion to pay the first three quarters and make it up in the fourth.
- It was noted that if you want your third quarter payment, you will get it, but you must make your projection.
- It was noted that if you make a projection, you will get your third quarter payment.
- It was noted that some of the counties in FY10 were able to get by with two payments. The counties have their statutorily required cap, federal boarding revenue, work release, and medical co pays.
- It was noted that the inverse debt-funding request was never funded by the Legislature.
- There was a concern to reconsider a previous vote on making third quarter payments because there is so much unpredictability in the system the way it is. The Board took their vote and the counties based their budgets on the vote. It seems as though the Board could recoup it in the fourth quarter, which was the original intent. It was suggested that if the Board wants to do that, it should do it at the beginning of a budget cycle.
- It was noted that the Board is merely asking the counties to do the required reporting and projections. The Board is still going to judge on whether the county needs it or not.
- It was noted that the friendly amendment is to simply get counties to submit their projections.

Vote:

- All were in favor; passed as unanimous.

- ***CWG Co-Chair Report on December 28, 2011 meeting:***

Executive Interim Director Tim Leet prepared a summary sheet from the Corrections Working Group meeting which resulted in five motions for the Board of Corrections to consider. Sheriff Ross went through the motions: <http://www.maine.gov/corrections/BOC/refs/CWGrecom.pdf>

1. Recommend the Board of Corrections recognize the fiscal year 2009-2010 Audited Expenditures of \$4,863,215 as the official CAP for Somerset County pursuant to 30-A MRSA section 701, subsection 2-A;

Motion:

- David Bowles made a motion for the Board of Corrections to recognize the FY2009-2010 Audited Expenditures of \$4,863,215 as the official CAP for Somerset County pursuant to 30-A MRSA section 701, subsection 2-A; seconded by Doug Beaulieu.

Vote:

- All were in favor; passed as unanimous.

2. Recommend that the Board of Corrections authorize an immediate payment of \$281,409 to the Somerset County Jail for FY11;

Motion:

- Doug Beaulieu made a motion for the Board to authorize an immediate payment of \$281,409 to the Somerset County Jail for FY11; seconded by Stuart Smith.

Vote:

- All were in favor; passed as unanimous.

3. Recommend that the Board of Corrections consider submitting legislation that revises 30-A MRSA section, 701 subsection 2-A to update York and Somerset County's revised CAP amounts;

David Bowles suggested that Chairman Westrum approach the chairs of the Joint Standing Committee on Criminal Justice and Public Safety and find out whether they agree that legislation is necessary. Some believe that the CAP is not well delineated in statute and feel that it must be changed; there was consensus from the Board for Chairman Westrum to proceed with asking the chairs of the Criminal Justice and Public Safety Committee if any legislation is necessary.

4. Recommend that the Corrections Working Group move forward and continue to explore the use of an efficiency study consultant with the goal of achieving a consensus among the counties;

It was suggested that a general "efficiency study" informational meeting take place. The purpose of such a meeting would be to allow some buy in by the counties. There would be one meeting on this topic. It was suggested to have a forum to discuss this proposal prior to the February 21st meeting.

5. Recommend that the Board of Corrections require that the FY13 Average Daily Population be based on the actual ADP's for FY11.

It was suggested that the Corrections Working Group examine inmate population counts at the county and regional jails and report back to the Board with their findings and recommendations.

▪ **Report on the status of the RFP for Financial Analyst Services:**

Board member Doug Beaulieu shared with board members that he, Tim Leet, and BOC Chairman Mark Westrum met with representatives of the RHR Smith & Company Accounting Firm. They all went over the contract requirements. It was impressed upon the RHR Smith & Company Accounting Firm to meet the benchmarks that were set in the contract. Commissioner Head and Doug Beaulieu gave some definitive details on different tasks and when they needed to be completed. Mr. Beaulieu stressed the importance of helping the Board understand the county and regional jail finances including fund balances. He also stressed the need for the firm to designate a primary point person. It was mentioned that they will be working out in the field as teams, and are prepared to start the actual work next week. There is an expectation that they will be attending Board of Corrections and Corrections Working Group meetings on an as needed basis. The firm's first reporting deadline is February 10, 2012.

Closing Remarks:

- Chairman Westrum informed board members that the medical RFP is still a working progress.
 - Chairman Westrum encouraged all new Board members to visit the county and state facilities.
 - Chairman Westrum shared that the Board had entered into an Executive Session earlier on a personnel matter of hiring an Executive Director. At this time, the Board is not in the position to announce a finalist, but will be prepared to at the next meeting.
 - Chairman Westrum wanted to recognize and welcome new Associate Commissioner Grondin of Legislative and Programming from the Department of Corrections.
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Public Comment:

- None
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Other issues or topics:

- It was suggested that Board members should continue to consider a potential Vice Chair and what a Vice Chair might bring to the Board.
- It was noted that there is still the issue of the Hancock County retaining wall.
- Maine Chief's of Police would like to address the board at the February BOC monthly Meeting on forensic beds.
- Priority topics for the next CWG meeting on February 2nd:
 - Review the FY13 budgets that were submitted last year – then determine what the available funding actually is.
 - Discuss continuing the 10% peaking factor for FY13.

- Inmate populations tend to be shifting around. The question is the inmate populations going to continue to level out or go down? The group needs to involve Ralph Nichols and get an idea as to where the counties are statewide.
 - The CWG must report back to the Board on a proposed budgeted amount for FY13 and an anticipated growth rate.
 - The CWG should consider submitting legislation on the growth rate factor because it appears to be obsolete.
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Meeting Adjourned:

Motion:

- Stuart Smith made a motion to adjourn the meeting; seconded by Ric Hanley.

Vote:

- All were in favor; passed as unanimous.
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Future Events (subject to change):

- Tuesday, February 21, 2012 – **Meeting at 1:00 p.m.**
 - Board meeting will be held on the 3rd Tuesday of every month.
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Respectfully submitted by Kelene Barrows