



Board of Corrections Meeting Minutes
April 17, 2012
10:00 a.m. – 4:15 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 (County Manager); **David Bowles**, York County (County Commissioner); **Sheriff Randall Liberty**, (Kennebec County), (Maine Sheriff's Association); **Commissioner Joseph Ponte**, (Maine Department of Corrections); **Stuart Smith**, Maine Municipal Association; Commissioner Anne Head, (Maine Department of Professional and Financial Regulation); **Stuart Smith** (Maine Municipal Association).

Members Absent:

Ric Hanley, Spring Harbor Hospital (Mental Health); **Vinton Cassidy**, Washington County (Public Representative and Washington County Community College); and **Scott Ferguson** (SBOC Fiscal Agent and Dir. of the Corrections Service Center).

Executive Director: Michael Tausek, Board of Corrections

Executive Associate: Kelene Barrows, Maine Department of Corrections

Handouts:

- Agenda of 4/17/12
 - Minutes 3/20/12 meeting
 - CWG notes of 4/5/12
 - County Audits
 - SBOC – County Jail FY13 Budget Submissions as of April 17, 2012
 - SBOC – Estimated FY13 Funding Target
 - Biography of Becki Ney
 - County Budget Submissions
-

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/>. Members from the audience introduced themselves.

Minutes:

Motion and Vote:

- Stuart Smith motioned to approve the March 20, 2012 minutes; seconded by Doug Beaulieu. All were in favor. Passed as unanimous

Report of the Chair:

- Chairman Westrum spoke on the \$80 million budget that makes up the coordinated corrections system in Maine and that approximately 70 percent of the overall budget is dedicated to Personnel (e.g. salaries and benefits). Labor relations are noteworthy to the Board and need administrative attention as it moves forward into FY13 and beyond. Lastly, he recognized that frontline staff (e.g. security staff) is the backbone of our correctional system. Apparently, there has been discussion of forming a Labor Focus Group that deals with labor issues. It is the hope of supporters that the involvement of frontline staff affected by the Board's decisions will be encouraged to get involved. As this concept is furthered along, Chairman Westrum recommended strict parameters regarding mission and purpose be developed and the group, if developed, will report its' progress and observations back to the Board.
- Chairman Westrum shared with the Board that the targeted budget reduction figure agreed upon in a previous vote was not applicable anymore due to several fiscal issues: 1) the updated state reports on collected (and projected) fines and court surcharges. The new projected figure will be lower than expected – thus reducing the amount of revenue received by the Board; 2) the Board's obligation to satisfy Somerset County's Cap of \$335,000.00; and 3) Kennebec County Sheriff's Office request for \$338,000.00 to fund the CARA program. In total, the Board is realistically faced with a \$1.3 million dollar reduction to the FY 13 budget not \$800,000.00. In effect, the Board has moved from its' original flat funding plan to a 1% reduction with a possible deeper reduction on the horizon.

Business Meeting

RHR Smith Update (Part 1):

- Dianne Tilton, Development Services Director, RHR Smith and Charemon Davis, Audit Director, RHR Smith
(<http://www.maine.gov/corrections/BOC/refs/RHRDraft12apr17.pdf>)

RHR Smith submitted another report last week which is a consolidated version of their recent activity and is the final action item on their agenda. RHR reported that a significant, if not all, of its work product will be complete by the next Board meeting and intends on will present findings at that time. RHR stated their preliminary findings did not reflect great fluctuation in each county's major expense categories over the period(s) under review. Their upcoming, detailed analysis will offer further insight at the next Board meeting. RHR reported their staff has been able to reconcile any major differences between graph uploads and the audit reports. Finally, RHR is still waiting for financial reports from various counties and have spoken to the appropriate auditors or finance staff persons to gather necessary documents and/or information.

- Chairman Westrum shared with the Board his extensive conversations with Ron Smith (RHR Smith), Dianne Tilton and Charemon Davis over the past couple of months. One topic that has risen is that of financial projections for FY12. Chairman Westrum pronounced his decision to modify the RHR contract to include a more extensive financial projection for this year. His decision was based, in part, on RHR Smith's work for the Board, contractual language, and that

RHR has gone above and beyond the four corners of the contract to expedite their work in order to present the Board with sufficient information to assist in the budget decision making process (e.g. provide the Board with projections for the final remaining quarter of FY12). Chairman Westrum stated that he recognized the difficult financial situation facing the Board and it made sense to him have two sets of eyes looking at FY12 projections. Finally, Chairman Westrum stated that the additional work would cost approximately \$8,000.00 and did not go beyond the amount originally set aside for RHR Smith's.

- *The Board was in favor and a brief written addendum to the contract will be written by Michael Tausek, Executive Director.*
- Chairman Westrum asked Charemon Davis to share any of her findings concerning operational and/or financial inconsistencies with the Board. The intent here was to offer additional insight to the Board in their budget making decisions. It was at this time that RHR distributed a draft report to all present Board members for an informal review. This report documented total costs for each county facility in 2010 and 2011, categorized costs under major categories and broke down costs by percentage. Ms. Davis stated that she found mild fluctuations from year to year. For example, Personnel Wages (Full-time and Part-time) represented less than a two percent change from 2010 to 2011. What RHR did discover was that the driving mechanism, and maybe the more notable issue, "behind the figures" is the allocation of cost associated with each category. In essence, RHR has found that actual cost for various categories has not been correctly allocated or recognized. In other words, Ms. Davis surmised in some cases there has been a practice of allocating cost to a particular item or service that is not completely accurate thus leaving the associated effect on budgets largely unknown.

Executive Director Report: Michael Tausek (Part 2):

- Mr. Tausek shared with the Board the monthly reporting package from Fiscal Agent Scott Ferguson along with the recent budget submissions that have been put into the CRAS system. He noted there are ten counties that have one percent reduction or more, three that have a reduced budget but not to one percent, and a few others that are still above the one percent reduction.

Fiscal Agent Report

<http://www.maine.gov/corrections/BOC/refs/CtyJailFY13BudgetSub%2012apr17.pdf>

- The investment fund balance is \$2.8 million. There are still some fourth quarter projects that will be coming out of that fund as well.

Becki Nay with the National Institute of Corrections (NIC) and Rod Miller, CRS with Inc.

- Ms. Nay will be joining Rod Miller as a NIC consultant to evaluate the state of our county corrections system. As noted in earlier meetings, Ms. Nay and Mr. Miller will conduct site visits at various county facilities at no cost to evaluate and give the Board some strategic recommendations. Ms. Ney will focus on staffing, organizational culture and infrastructure issues. Mr. Miller will focus on legislative history, policies and procedures and financial sustainability. Mr. Tausek noted he will send out an email to all Board members requesting them to arrange a phone interview with Ms. Nay on one of the following dates: April 18, 19, 20, 23, 24, and 25th. Mr. Tausek will work with Sheriff Ross and the CWG on what sites they feel is the most appropriate to visit. Mr. Miller will wrap up by attending the Maine Sheriff's Association retreat in Bethel, Maine on Monday, May 14th.

Budget Process Review

The Board reviewed the status on each county's budget submission on the one percent reduction.

Aroostook County <http://www.maine.gov/corrections/BOC/refs/Aroostookbs12apr17.pdf>

- Aroostook County provided an email detailing the impact of the reduction. The statement summarized a severe limitation on its' operational capabilities. In order to fully fund their current operation, Aroostook will need \$698,000 from the investment fund for FY2013 that is an increase of over \$200,000 from the current year's budget. Aroostook County also stated they would have to make staffing cuts, close down a unit, all while facing an increase in union wages, increase inmate transportation costs and a historical lack of proper funding of the facility magnify the negative impact of the reduction.

Androscoggin County <http://www.maine.gov/corrections/BOC/refs/AndroBS12apr17.pdf>

- Androscoggin County submitted a financial impact statement. This facility is desperately trying to avoid laying off security staff, will anticipate eliminating an adult education program, and reduce Maine Pretrial Services. The mission for Androscoggin County is to avoid as decreasing security staff and will further analyze a reduction in programming.

Cumberland County <http://www.maine.gov/corrections/BOC/refs/CumbBS12apr17.pdf>

- Cumberland County submitted three cost-reduction options to county commissioners and this county chose their second option to meet their one percent reduction. This decision will include the elimination of three FTE positions, the reduction in their federal inmate housing contract and the reduction on their US Marshall Revenue budget.

Hancock County <http://www.maine.gov/corrections/BOC/refs/HanBS12apr17.pdf>

- Hancock County is currently negotiating a CBA for the upcoming fiscal year(s). The current contract is due to expire in September of 2012. Negotiations have commenced and administration has not adjusted the corresponding line item to recognize any increase in salary and/or benefits. In order to fulfill the one percent reduction, administration will not fill a records clerk position, will reduce building repairs by \$14,000.00 and will leave some necessary repairs uncompleted. Furthermore, \$25,000 in building improvements has been eliminated from their budget; furniture purchases have been reduced; seed money for a new transport van has been taken away; and the purchasing of new fixtures has been eliminated. Lastly, this facility stated that utility and medical costs continue to increase and am hoping for no increase in staff pay.

Penobscot County <http://www.maine.gov/corrections/BOC/refs/PenobS12apr17.pdf>

- Penobscot County has a one percent increase in wages budgeted for FY13. Wage increases have been reflected in the FY11 & FY12 budgets. This facility is also facing CBA with its' union. Penobscot's projected reduction is approximately \$300,000. To satisfy the Board's motion, administration will eliminate one pretrial caseworker, cut four positions of assistant shift leaders from its' staffing matrix, and attempt to manage their pretrial and home release population with reduced staffing. Administration has found approximately \$32,000 in savings through a reduction in the pretrial and inmate line items. Their most Administration stated the reduction in the staffing matrix has the most impact on operations due to their already limited staffing issue.

- William Gardner, Jr. has worked for Penobscot County Jail since 1989 and has been a supervisor almost all that time. He came before the Board to share a brief statement on the devastating impact of staffing with the one percent cut to Penobscot County Jail.

Piscataquis County <http://www.maine.gov/corrections/BOC/refs/PiscatIS12apr17.pdf>

- Piscataquis County's one percent decrease totals \$14,782.08. To meet this goal, administration will focus on the elimination of consultant fees, contractual, and programming. This facility is currently faced with a 45 percent increase in liability insurance for the jail, an increase in sewer rates, plumbing maintenance. Lastly, infrastructure-related expenses are going up into next year, over time, fuel, office supplies are also a concern for them. In August of 2012, the county will commence a new CBA process.

Somerset County <http://www.maine.gov/corrections/BOC/refs/SomIS12apr17.pdf>

- Somerset County is faced with significant IT challenges regarding billing and may be a risk to their financial security. For FY13, the facility expects to cut Maine Pretrial contract, thus saving \$60,000, eliminate a full time record property officer and replace the position with a part-time clerk saving \$20,000 in salary and \$15,000 in benefits. Somerset will also eliminate a program supervisor position and shift those duties to a programs manager to save \$32,000 in salaries and \$15,000 in benefits and will attempt to reduce their electric bill by doing ballast work. Lastly, Somerset stated that due to the latest IT financial impact meeting the one percent reduction will be difficult.

Two Bridges Regional Jail (TBRJ) <http://www.maine.gov/corrections/BOC/refs/tbrjIS12apr17.pdf>

- Two Bridges Regional Jail is able to meet their one percent reduction by freezing staff and cost of living increases even though TBRJ staff received a one percent increase in FY2012 (some counties received slightly higher increases). TBRJ also recalculated their ADP to accurately reflect actual numbers versus their budgeted capacity. TBRJ will also decrease part time salary and wages, overtime, training pay, FICA, flex benefits, utilities, workers compensation, legal fees, and various other line items to meet their one percent reduction.

Waldo County <http://www.maine.gov/corrections/BOC/refs/WaldolS12apr17.pdf>

- Stated the one percent reduction actually reflects a three percent decrease due to increases in personnel costs and commodities, that they were not able to control. To meet their one percent reduction they decreased their VOA Reentry contract, consultant fees, inmate medical, Restorative Justice Contract, live scan, telephone, video conferencing, prisoner uniforms, and the most significant area was building improvements. They normally have \$30,000 in this line item and reduced it to \$13,000, which leaves \$16,000 for capital improvements. Waldo will face some stark realities if they have major infrastructure issues.

Washington County <http://www.maine.gov/corrections/BOC/refs/WashIS12apr17.pdf>

- Washington County's one percent reduction represents \$23,000. Washington County staff noted the facility would have to relocate (10) inmates throughout the system.

Kennebec County

- Kennebec County is looking at a \$66,494 reduction, increase of fuel, union and operational costs, contracts with Kennebec County facility. Administration will eliminate one full time correctional officer in order to acquire the one percent budget reduction.

York County

- York County would have to consider a pod closure and allow the elimination of five correctional officer positions that are currently vacant to begin with. Administration will add

a third Maine Pretrial Caseworker, have removed all capital funding from the budget, and reduced a leased purchase agreement under capital HVAC system which has been reduced by over \$105,000. Administration reminded the Board that this particular budget does take into account step and longevity increases contracted through CBA. Currently, YCJ is negotiating a new CBA.

Business Meeting (Cont.)

▪ **Motion and Vote:**

Stuart Smith made a motion for the Board to approve Aroostook County's fourth quarter payment; seconded by Sheriff Liberty. All were in favor with one abstention - Doug Beaulieu.

Board of Corrections and Financial Stability:

- There was much discussion on the structure of county budgets and how the Board has a fixed amount of funds to spend and how funds should be distributed to the facilities and that there is not sufficient funding to sustain the system. The Board is looking to various facilities to offer cost savings operations to make up the difference. At the beginning of FY12, the Board informed each facility with a overall budget figure and advised to budget accordingly. However, during FY12, these counties have been faced with cuts after they have made their budgets. The counties are trying to make those same budgets for next year on those cuts and then asked to cut again. It makes it hard for the counties to budget.
- It was noted that the Board will look to the Budget Focus Group to take the county budgets and conduct a preliminary review, make recommendations to the CWG, and report back to the Board. The new assignment is to determine the ability to reduce the overall operating budget by \$1.3 million and the Board needs some recommendations. It was suggested for the Board to also be thinking in terms of the supplemental process to deal with some of these issues.

Corrections Working Group co-chair report (Sheriff Ross, Penobscot County):

<http://www.maine.gov/corrections/BOC/refs/CWGnotes12apr05.pdf>

- Sheriff Ross shared that the Corrections Working Group discussed the strip search, which ease the strip search law there are rules in place to keep as status quo as the jails discuss with legal council; Kennebec County did a nice presentation on the CARA program; the Executive Director has been out to a lot of the county jails; and the NIC visit, there were discussions on which jails to visit due to time constraints.
- There was discussion on how the Board has been having conversations today with the counties getting ready to lay people off, but at the same time is looking to approve a new program. The Corrections Working Group was holding off from making any decision on the CARA program and waiting to hear from the consultants before making a recommendation to the Board. It was suggested at some point the Board has got to move the system ahead and sometimes you have to invest a few dollars to save a few dollars.

Kennebec County Jail and CARA budget request (Capt. Marsha Alexander, Kennebec County):

- Ms. Alexander noted in the proposal the request is for FY 2013 is \$338,000. She gave an overview of the proposal which included the budget itemization, program statistics, program components, community stakeholders, and the participating agencies.
- It was noted the \$338,000 was above Kennebec County's operating budget. Kennebec County cut one percent like everyone else did and this is to keep the CARA program alive and running. It was noted it takes eight correctional officers to run two consecutive programs. This proposal is budgeted for four security staff with benefits.

Motion and Vote:

- Stuart Smith made a motion to approve CARA funding request; seconded by Vinton Cassidy.

Discussion:

- The question arose whether the Board was being asked to fund CARA in a vacuum, as it were, because there was not a final Board decision concerning the FY13 budgets, yet it was being asked to fund this program? It was suggested this discussion take place at the same time budgets are finalized.
- It was asked whether CARA is beneficial to other counties and their offenders. It was noted by Kennebec County staff that personnel would transport non-Kennebec County offenders back and forth thus serving the entire county-wide population.
- It was noted that the program was supported due to its emphasis on education and programming. As seen in other evidence-based programs, the long-term effect on Maine taxpayers is cost savings through decreased recidivism activity.
- It was noted there was frustration with the process of seeking funding - not the program itself. Some audience members had a concern with the Board focusing its attention on CARA and the lack of adherence to procedural steps before approving funds (e.g. prioritization of need) versus looking at the system as a whole.
- It was noted all BOC members and county representatives try to void a perception of trying to push something through the BOC system for funding approval.
- It was noted today that Kennebec's presentation was not to seek a vote of support but an informational step to further educate Board members on the CARA program.
- It was suggested Kennebec County seek supplemental funding through the Maine Legislative process (e.g. Supplemental Process and Appropriations Committee).
- It was noted the motion was made, because there was a thought that the Chairman was looking for a motion. It was agreed this wasn't the right process. The program is viewed as a positive in the system, should receive funding, but needs to be placed on a priority list amongst operational needs and be addressed accordingly.
- It was noted Kennebec County Sheriff's Office staff have presented the CARA program to the Corrections Working Group but that the members could not give a recommendation without accurate financial information for FY12. The question was then asked; "Should Kennebec staff present to the Budget Focus Group, visit the Corrections Working Group once again, then seek funding before the Board if recommended by previous two groups?"
- Due to pending FY13, Kennebec County requested an answer from the Board by the May 31, 2012.
- It was noted when the Board finally considers funding CARA that the vote to fund (or not fund) the program will be predicated on a comprehensive look at the needs of the system as a whole. All operational needs will be analyzed in conjunction with programming needs.

- It was suggested to Kennebec County to consider the alternative strategies of seeking funds through the Appropriations Committee (Supplemental Process) or building the program into its annual budget.

Vote:

- The motion to fund the CARA program and the second to fund was withdrawn.

Additional Board Discussion(s):

- It was suggested to bring all gathered information from NIC consultants site visits, RHR Smith financial review, proposed FY13 budgets to the Board for analysis before next meeting.
- It was suggested that FY13 budgets be returned to each county to look for a further reduction of \$500,000.00 to fund CARA and other FY13 expenditures. This suggestion was not a formal request.
- Chairman Westrum raised the topic of alternative methods to the distribution of CCA funding to ensure such funding is applied to inmate programming.
- It was suggested that Kennebec County fund program on a month to month basis until the Board is fully informed about FY12 projections and carry-over surplus.
- It was suggested that Kennebec County create a system-wide program to address opiate addiction. A chronic drug issue in the State of Maine. Funding for this program, and CARA, could be transferred from their Capital Improvements Plan Fund.
- It was suggested that alternative funding for CARA could be achieved through full county representation. In other words, participating counties could share CCA funding with Kennebec County due to the nature of the program.
- It was noted that the original Board asked the counties to discover creative approaches to operations and cost saving endeavors. Presently, economic conditions require cost savings methods to our operations for the system is not financially sustainable.
- Overall consensus, all audience members and Board members support the purpose and utility of the CARA program but rising operational and staffing costs must be addressed in conjunction to, the program.
- It was suggested to ask the counties to reduce their operating budgets by six percent without effecting population management.
- It was suggested Kennebec County consider their Capital Improvement Plan Fund as a financial source. It was proposed that Kennebec maintains approximately \$620,000.00 in the fund and that the monies could support CARA for FY13.

Motion and Vote:

- Doug Beaulieu made a motion for those counties that did not submit a FY13 budget representing an actual one percent reduction to redo and submit. Seconded by Stuart Smith. All were in favor; passed unanimous.

The Board took a break and went down to the CARA graduation held in the Marquardt Building.

Public Comment:

- None
-

Other issues or topics:

- It was suggested that Board members contemplate a potential Vice Chair and what advantages/disadvantages might exist with the position.
 - It was noted there is still an issue with the retaining wall at Hancock County Jail.
 - Counties were encouraged/advised to examine their Capital Improvement plan Funds and reserve accounts prior to seeking funding from the Board.
 - The Fiscal Agent was asked to prepare a written report before the next meeting on the methodology needed to further reduce budgets to a goal of 1.3 percent (or an additional \$504,000.00). It was noted from the last report dated November 2, 2011 (e.g. Capital Items) that the Board does not have sufficient information concerning the status of requested capital improvement projects and the amount of funds obligated to such projects.
 - Chairman Westrum encouraged all Board members to read the Corrections Alternatives Advisory Committee (CAAC) report.
 - It was suggested to the Executive Director to distribute applicable materials to Board members prior to each meeting.
 - It was suggested to have all pages of handouts numbered (e.g. CRAS report and Financial Dashboard).
-

Meeting Adjourned:

Motion and Vote:

- Sheriff Liberty made a motion to adjourn the meeting; seconded by Stuart Smith.

Vote:

- All were in favor; passed as unanimous.
-

Future Events (subject to change):

- Wednesday, May 23, 2012 – **BOC Meeting begins at 1:00 p.m. in Meeting Room #228 located in the State House. *RHR Presentation.**
 - Tuesday, June 19, 2012 – BOC Meeting to be held in the BOC Conference Room (Date is subject to change).
 - Board meeting will be held on the 3rd Tuesday of every month.
-

Respectfully submitted by Kelene Barrows