

WVDCR JAIL BOARD Previous Meeting Minutes

Contact information was included on the public meeting notice for any member of the public who wished to listen to the meeting

REGULAR MEETING Thursday – June 10, 2021

Meeting held via ZOOM video conference

I. Silent Roll call of members present:

1. David Blair Couch, County Commissioner
2. Jeff Sandy, WVDHS Cabinet Secretary
3. Charles Zerkle, Sheriff
4. William Marshall, Bureau of Juvenile Services Asst. Commissioner
5. Matthew Arvon, Medical Doctor – Joined meeting at 1:23pm due to technical difficulties

II. Not Present:

1. Alan McVey, Secretary of Dept. of Administration – disconnected early from meeting
2. Betsy Jividen, Commissioner of Corrections
3. George Cosenza, Law
4. David Hinkle, County Commissioner

A quorum was present.

III. Others present:

1. Stacey Nowicki-Eldridge, WVDHS General Counsel
2. William Valentino, WVDHS Deputy General Counsel
3. Mike Coleman, DAS Director – Joined meeting at 1:40pm, per Mr. Sandys request
4. Bryan Arthur, DAS Assistant Director of Budget and Finance – Joined meeting at 1:40pm, per Mr. Sandys request.
5. Sheila Daves, Executive Assistant/Minutes – Joined the meeting at 1:23pm due to technical difficulties

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1:23pm

Mr. Sandy asked Mr. Arthur to advise the board of revenue received.

City/Town Revenue

2019 - \$311,792

2020 - \$312,563

2021 YTD - \$206,558

County Revenue Collected

In the year 2019 – 51.7 million,

Year 2020 – 46.5

Year to date which ends in May is 36.5 million

Jails Revenue from Feds (US Marshalls and ICE)

In the year 2019 – 6.5 million

Year 2020 – 6.7 Million

Year to date – 6.5 million

Mr. Sandy asked Mr. Coleman and Mr. Arthur to provide the board Chairman a simple chart of gross receipts of the jails so the board can know where the money comes from.

Mr. Valentino explained the supreme court ruling of the two WV counties that became delinquent in paying the jail bill. Arrangements had to be made for payments. Currently, one county became current on their jail bill, while the other did not.

Discussion of the bonds:

Chairman Couch said the question before the board is in regards to retiring the bond, that money continues to flow into the jail authority into a separate account, and the jail authority is asking to put together a list of needed repairs of the jail facilities. Mr. Couch said until the board can understand what repairs are needed at the jails, the board should not authorize any new bonds to be issued. Ms. Nowicki-Eldridge explained that the regional Jail authority does not have bonding authority anymore, because it was discontinued in House Bill 4338, and the WV Department of Administration and the executive branch will now oversee the bonds. Chairman Couch asked if the board would control whether the 4.8 million a year can be utilized on a bond or not. Ms. Nowicki-Eldridge said the Department of Administration combined with the legislature will be approving the bonds moving forward.

Chairman Couch asked if Secretary Sandy asking the board for approval to use the bond revenue for repairs was just a “*courtesy ask, and not so much a direct vote ask.*” Mr. Arthur said there is 11.7 or 11.8 (not exact amount) in reserves to protect the bonds. Ms. Nowicki-Eldridge said the Jail board has sole authority of how the current funds can be used.

Ms. Nowicki-Eldridge stated that the agenda item listed was not specific enough to vote on the funds as it only lists “Update on Bonds.” Taking any acting, such as voting is subject to an open meeting violation possibly leading to litigation. It would be best for the Chairman Couch to call a special meeting of the board.

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Per-Diem:

Mr. Sandy said the legislature voted unanimously to put a 3-year cap on the per-diem, as well as to have the budget office calculate the per-diem rate based on books and records. The only way this could change is if the legislature changes state code. The per-diem rate has been \$48.25 since Governor Justice took office, and nobody has ever checked to see what the actual per-diem rate should be. When Governor Justice took office, the calculation of the per-diem was estimated at \$52.00. The rate of \$54.88 is only a 3% increase from the first calculated rate. Mr. Sandy wants the board to realize they were not “running rampant,” saying, “the cost of food is the cost of food.” He also mentioned that WVDCR was able to save \$800,000 on the food contract after consolidating the 3 correctional agencies, compared to the 3 separate food contracts prior to consolidation. Mr. Sandy said the legislature received a substantial amount of money from the federal government, and the legislature could possibly take some of that money and provide them with the 6.8 million, which would be the increase based on the 3 year average of the days, and also the money for the increase cost for the sentencing date vs. the conviction date. If they were given 9.85 million by the legislature, they could put a freeze on the per diem increase.

Mr. Sandy mentioned the conviction date Vs. sentencing date saved 5 million a year, the 3 year per diem cap saved the counties 28 million, and the GOALS program saved several million. Increases in medical etc., per diem will need to be raised, and if it were not for the work of the fiscal staff at the WVDHS Administrative Services, the per diem would be an astronomical figure. Chairman Couch said that he understood Mr. Sandy is saving money, but the announcement of the per-diem increase wasn't released prior to budgeting, and the counties didn't have a full understanding of where it was going, and if the counties would have known of the increase beforehand, they would of made different decisions, such as raising the levy.

Mr. Sandy said the board also needs to be aware of the medical contract. The combined cost of medical in 2015 for the 3 correctional agencies was 41 million. The total medical costs for the year 2020 was 55.8 million. The lowest bid for last year was 69.5 million which was rebid. The national average medical costs, per inmate, per day is \$17.65. DCR's bid last year was \$12.19 per inmate. Currently, DCR has 12,000 people incarcerated. Last year 47,000 people were arrested and went to jail. He explained that everyone who goes to jail will need medical assessments, drug rehabilitation, or other medical needs. The Supreme court mandates certain medical care for inmates. Ms. Nowicki-Eldridge said there are constitutional levels of care that must be provided for correctional institutions across the country. People who are incarcerated do not have the ability to see a physician on their own and DCR must provide medical care. Some examples of care that is needed are operations, infections, eyeglasses. Medication is also provided and can be costly.

Motion to approve previous meeting minutes: Jeff Sandy

Second: Charles Zerkle

None Opposed.

Chairman Couch mentioned that the Next authority board meeting will be to vote on the current bond money that are soon to be paid and to discuss the medical contract.

Motion to adjourn: Charles Zerkle 2:17pm