



DRAFT

**MONTANA PUBLIC DEFENDER COMMISSION
2015 BIENNIUM
EXECUTIVE PLANNING PROCESS (EPP)**

1

March 2012 (2nd Draft)

Presented to Budget Committee

2015 BIENNIUM

EXECUTIVE PLANNING PROCESS

Commission Duties: Title 47-1-105 (3)

- Review and approve the budget proposals submitted by the Chief Public Defender, the Chief Appellate Defender, the Conflict Coordinator, and the Administrative Director.
- The Commission has appointed a Strategic Planning Committee to review/revise the strategic plan. This Committee may also submit budget items and changes to legislation.

2015 BIENNIUM

EXECUTIVE PLANNING PROCESS

There are five deliverables to the Office of Budget and Program Planning as part of the EPP process:

1. A budget request
2. Agency goals and objectives
3. Draft legislation
4. Identification of program managers
5. An information technology strategic plan

2015 BIENNIUM

EXECUTIVE PLANNING PROCESS

Key Dates:

- February 2012 - The Agency submits draft budget proposals to the Montana Public Defender Commission that are received from an internal budgeting process and input from the Commission/Committees.
- March 12 & 22, 2012 – Commission’s Budget Committee meets to review detailed decision packages.
- April 13th – the Commission hears budget proposals from the Budget Committee and may consider recommendation of the Strategic Planning Committee
- May 2012 – Agency submits draft budget proposals as a placeholder to Office of Budget and Program Planning (OBPP).
- August 2012 – The Commission approves final budget proposals and develops a priority ranking. This product is submitted to OBPP.
- Between May – September: The Agency and Commission have discussions with OBPP and the Governor’s policy staff about budget proposals and legislation.
- November/December: Governor(s) submit a budget to the 2013 Legislature.
- January – April 2013: The Legislature conducts hearings and approves an appropriation and legislation.

FUNDING HISTORY – 2007 BIENNIUM

- Agency began operations on July 1, 2006 (FY 2007)
- During FY 2006 the Commission & Agency formed
- 2005 Legislature provided the agency's first funding:
 - FY 2006 \$0.6 million
 - FY 2007 \$13.8 million and 90.25 FTE
- This funding was based on: current costs that entities paid for public defense prior to the establishment of the system + the establishment of central office for system oversight.

ACTUAL EXPENDITURES – 2007 BIENNIUM

- FY 2006 - the agency expended about \$800,000 or \$200,000 more than funded.
- FY 2007 – the agency expended about \$19.4 million or about \$5.6 million more than funded.
- During FY 2007 the agency was approved to bring on 192.5 FTE or 102.25 more than the original 90.25 to support its strategic plan.
- The agency reported 25,549 new cases entering the system – there was no accurate information for the number of cases worked by the prior entities.

THE 2009 BIENNIUM

- The agency received its entire funding request from the executive and legislative branches of:
 - \$19.8 million for FY 2008 with 192.50 FTE, and
 - \$20.1 million for FY 2009
- This funding was based on the information in the “Agency Strategic Plan” as approved by the Commission.

ACTUAL EXPENDITURES – 2009 BIENNIUM

FY 2008 - the agency expended all of its \$19.8 appropriation.

The agency reported 26,556 new cases entering the system which is a 4% increase from FY 2007

FY 2009 – the agency expended about \$20.5 million or about \$400,000 more than funded.

The agency reported 27,898 new cases entering the system which is a 5% increase from FY 2008

During the biennium the agency was approved to have 192.50 FTE. Near the end of the biennium the agency was approved to use 8.00 “modified or temporary FTEs” to handle the case load growth and system stress.

THE 2011 BIENNIUM

- The Commission submitted to the Executive:
 - \$24.4 million for FY 2010 and 217.50 FTE, and
 - \$24.5 million for FY 2011 and 217.50 FTE.
- This was an increase of about \$4.7 million and 25.00 new FTE over the FY 2008 base budget.
- The agency experienced a 4% increase in new cases between FY 2007 and FY 2008 and expected a similar increase in FY 2009. The actual increase was 5%.

THE 2011 BIENNIUM

- The Executive approved:
 - \$20.4 million for FY 2010 and 200.50 FTE, and
 - \$20.4 million for FY 2011 and 200.50 FTE.
- This was an increase of about \$600,000 and 8.00 new FTE over the FY 2008 base budget. It also included an additional 3% vacancy savings that cost the agency about \$400,000 per fiscal year.
- However, it was \$4 million less than requested.

THE 2011 BIENNIUM

- The Legislature Cut the Executive approved budget to:
 - \$20.0 million for FY 2010 and 200.50 FTE, and
 - \$20.0 million for FY 2011 and 200.50 FTE.
- This was an increase of about \$200,000 and 8.00 new FTE over the FY 2008 base budget BUT about \$500,000 less that was expended in the most current fiscal year (FY 2009).
- It was also \$4.4 million less than the agency proposed budget.

THE 2011 BIENNIUM

- During FY 2010 and FY 2011 the agency needed to fund past promised pay increases to its employees, pay increased amounts to other state agencies for services, make the modified employees permanent, and pay for the Executive approved Attorney Union pay ladder.
- The agency came in about \$1.8 million short for FY 2011 which was covered by supplemental funding and other reserves.

THE 2013 BIENNIUM

- The Commission submitted to the Executive:
 - \$24.3 million for FY 2012 and 217.50 FTE, and
 - \$24.7 million for FY 2013 and 217.50 FTE.
- This was an increase of about \$3.7 to \$4.1 million and 17.00 new FTE over the FY 2010 base budget.
- During a five year period, the agency experienced a 2% average increase in new cases and caseloads of the majority of FTE attorneys were above target levels.

THE 2013 BIENNIUM

- OPBB approved the following for inclusion in the Governor's budget:
 - \$21.8 million for FY 2012 and 216.50 FTE, and
 - \$21.7 million for FY 2013 and 216.50 FTE.
- This was an increase of about \$1.2 million and 16.00 new FTE over the FY 2010 base budget.

THE 2013 BIENNIUM

- The 2011 Legislature approved the following:
 - \$23.0 million for FY 2012 and 208.50 FTE, and
 - \$23.0 million for FY 2013 and 209.50 FTE.
- This was an increase of about \$2.4 million and 8.00 to 9.00 new FTE over the FY 2010 base budget.
- This budget increase included \$800,000 one time money for FY 2012 and \$700,000 for FY 2013. Of this \$500,000 and \$400,000 were to pay for capital defense (death penalty cases) and \$300,000 per year was to pay for technology purchases and support increased contractor costs.

FINANCIAL AND FTE TRENDS

	FY 2007	Actual FY 2008	FY 2009	FY 2010	FY 2011	Estimate FY 2012
FTE						
Authorized	192.50	192.50	192.50	200.50	200.50	208.50
Modified	-	-	8.00	-	-	10.00
TOTAL FTE	192.50	192.50	200.50	200.50	200.50	218.50
Number inc - authorized		-	-	8.00	-	18.00
Percent inc - authorized		0.0%	0.0%	4.0%	0.0%	9.0%
FTE by function						
Attorneys providing services	104.25	104.75	108.50	112.75	115.25	124.25
Office support staff	52.75	53.75	55.00	55.00	52.50	56.00
Investigators	16.00	16.00	16.00	16.00	17.50	19.50
Central Office	19.50	18.00	21.00	16.75	15.25	18.25
Conflict Coordinator	-	-	-	-	-	0.50
Commission Staff	-	-	-	-	-	-
Totals	192.50	192.50	200.50	200.50	200.50	218.50
Capital Case Project	-	-	-			4.00
CONTRACT ATTORNEY	209	217	235	173	199	200
FY 2011 as of 6/30/2011 and FY 2012 as of 12/31/2011						

2015 BIENNIUM – EXECUTIVE PLANNING PROCESS “EXPENDITURES”

	Actual					Estimate
	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012
EXPENDITURES						
Personal Services	\$ 9,923,786	\$ 11,077,559	\$ 11,686,953	\$ 12,317,714	\$ 12,955,602	\$ 13,908,035
Number inc (dec)		1,153,773	609,394	630,761	637,888	952,433
Percent Inc (dec)		11.6%	5.5%	5.4%	5.2%	7.4%
Operating Expenses:						
Contract Attorney	\$ 6,248,111	\$ 5,604,555	\$ 5,813,202	\$ 4,975,313	\$ 5,286,132	\$ 5,248,503
Number inc (dec)		(643,556)	208,647	(837,889)	310,819	(37,629)
Percent Inc (dec)		-10.3%	3.7%	-14.4%	6.2%	-0.7%
Contract Services - Other	\$ 1,141,313	\$ 873,832	\$ 872,125	\$ 734,649	\$ 813,527	\$ 848,700
Number inc (dec)		(267,481)	(1,707)	(137,476)	78,878	35,173
Percent Inc (dec)		-23.4%	-0.2%	-15.8%	10.7%	4.3%
Other (rent/travel/communications)	\$ 1,991,183	\$ 2,087,513	\$ 2,090,674	\$ 2,345,872	\$ 2,365,895	\$ 3,022,658
Number inc (dec)		96,330	3,161	255,198	20,023	656,763
Percent Inc (dec)		4.8%	0.2%	12.2%	0.9%	27.8%
Equipment	\$ 137,453	\$ 123,370	\$ 65,112	\$ 21,118	\$ 25,454	\$ 21,118
Number inc (dec)		(14,083)	(58,258)	(43,994)	4,336	(4,336)
Percent Inc (dec)		-10.2%	-47.2%	-67.6%	20.5%	-17.0%
Total Operating Expense	\$ 9,518,060	\$ 8,689,270	\$ 8,841,113	\$ 8,076,952	\$ 8,491,008	\$ 9,140,979
Number inc (dec)		(828,790)	151,843	(764,161)	414,056	649,971
Percent Inc (dec)		-8.7%	1.7%	-8.6%	5.1%	7.7%
TOTAL EXPENDITURES	\$ 19,441,846	\$ 19,766,829	\$ 20,528,066	\$ 20,394,666	\$ 21,446,610	\$ 23,049,014
Number inc (dec)		324,983	761,237	(133,400)	1,051,944	1,602,404
Percent Inc (dec)		1.7%	3.9%	-0.6%	5.2%	7.5%
FY 2012: Estimate for Full Year						

2015 BIENNIUM – EXECUTIVE PLANNING PROCESS “FUNDING”

	FY 2007	FY 2008	Actual FY 2009	FY 2010	FY 2011	Estimate FY 2012
FUNDING						
General Fund	\$ 14,134,950	\$ 19,665,386	\$ 20,076,062	\$ 19,900,017	\$ 19,561,806	\$ 22,891,553
General Fund - Audit	-	62,103	1,525	36,809	15,954	57,461
State Special Revenue	-	43,455	30,000	43,418	41,762	100,000
Federal Funds	-	-	4,475	26,185	36,175	-
Pers Vs.. Contingency	130,430	-	132,880	-	450,996	-
Transfer (to) from another FY	(185,927)	-	-	389,200	-	-
Transfer (to) from Appellate Def.	-	-	-	-	-	-
Supplemental Funding	5,363,042	-	292,000	-	1,333,002	-
TOTAL FUNDING	19,442,495	19,770,944	20,536,942	20,395,629	21,439,695	23,049,014
Number inc		328,449	765,998	(141,313)	1,044,066	1,609,319
Percent Inc		1.7%	3.9%	-0.7%	5.1%	7.5%

CASE LOAD TRENDS

	FY 2007	Actual FY 2008	FY 2009	FY 2010	FY 2011	Estimate FY 2012
NEW CASES Title 47-1-105 (9) (F)						
District Court	10,891	9,646	10,028	9,939	9,987	10,533
Lower Courts	<u>14,730</u>	<u>16,910</u>	<u>17,870</u>	<u>17,721</u>	<u>17,677</u>	<u>17,903</u>
	25,621	26,556	27,898	27,660	27,664	28,436
District Court - Number inc (dec)		(1,245)	382	(89)	48	546
District Court - Percent inc (dec)		-11.4%	4.0%	-0.9%	0.5%	5.5%
Lower Court - Number inc (dec)		2,180	960	(149)	(44)	226
Lower Court - Percent inc (dec)		14.8%	5.7%	-0.8%	-0.2%	1.3%
Total - Number inc (dec)		935	1,342	(238)	4	772
Total - Percent inc (dec)		3.6%	5.1%	-0.9%	0.0%	2.8%
FY 2012: Actual for July - September; forecast for Oct - June Certifications not yet received for 2nd quarter						

2015 BIENNIUM – EXECUTIVE PLANNING PROCESS “CASE LOAD EXCESS”

As of 11/30/11 about 70% of the staff attorneys have case weighting system numbers at or above the red flag number of 150 units.

More than 50% of the staff attorneys worked on more than 150 felony or 400 misdemeanor cases during FY 2011, the ABA suggested case limit standards.

The Appellate took in more appeals than they completed and the backlog continues to grow.

2015 BIENNIUM – EXECUTIVE PLANNING PROCESS “THE BUDGET PROPOSALS”

STEP 1: THE BASE BUDGET

- The agency will request that its base budget be funded. It is expected to be about \$22 million and is the amount that we expend during fiscal 2012 (between July 1, 2011 and June 30, 2012)
- The Commission is tasked to approve this amount for submission to the Executive.

2015 BIENNIUM – EXECUTIVE PLANNING PROCESS “THE BUDGET PROPOSALS”

STEP 2: OTHER EPP ITEMS

- Will there be increases/decreases requested by other agencies that provide services to the agency and will the agency be funded for these increases?
- Will there be general pay increases for our employees?
- Will the agency receive inflation/deflation adjustments for certain purchases?
- These amounts are added by the Executive during the budget process.

2015 BIENNIUM – EXECUTIVE PLANNING PROCESS “THE BUDGET PROPOSALS”

STEP 3: DECISION PACKAGES

- These are separate budget requests that are developed by the agency under the direction of the Commission and submitted to the Executive.
- The Executive can approve them as is, adjust them, or disapprove them.
- Traditionally, we need to have them in final form by mid-August before the legislative session.

2015 BIENNIUM – EXECUTIVE PLANNING PROCESS “THE BUDGET PROPOSALS”

STEP 4: FUNDING

- The agency determines what kind of funding is needed to support the entire budget submission.
- The agency currently uses:
 - General Fund (mostly personal & property taxes)
 - State Special Revenue (fees from clients)
 - Federal Funds (usually special projects/training)

2015 BIENNIUM – EXECUTIVE PLANNING PROCESS “THE BUDGET PROPOSALS”

STEP 5: EXECUTIVE SETS TARGETS

- The Executive estimates the amount of revenue available during the biennium for its use and sets allocations or targets for each agency.
- The Budget Office meets with Agency Directors to communicate the target and speak about operational challenges.
- The Budget Office welcomes members of the Commission to offer feedback regarding the target (in person or in writing).

2015 BIENNIUM – EXECUTIVE PLANNING PROCESS “THE BUDGET PROPOSALS”

**STEP 6: EXECUTIVE SENDS A BUDGET FOR
THE BIENNIUM TO THE LEGISLATURE**

2015 BIENNIUM – EXECUTIVE PLANNING PROCESS “THE BUDGET PROPOSALS”

STEP 7: THE LEGISLATURE MEETS TO REVIEW AND APPROVE OR ADJUST THE EXECUTIVE’S BUDGET

- The Legislature forms Appropriation and Budget Subcommittees to hear testimony.
- Testimony is heard from many sources including: the Executive, Commissioners, boards, elected officials, agency directors and other employees, vendors, contractors, interested parties, and the general public.

2015 BIENNIUM – EXECUTIVE PLANNING PROCESS “THE BUDGET PROPOSALS”

**STEP 8: THE LEGISLATURE ALSO APPROVES
SUPPLEMENTAL FUNDING FOR THE PRIOR
BIENNIUM**

2015 BIENNIUM – EXECUTIVE PLANNING PROCESS “THE BUDGET PROPOSALS”

THE DECISION PACKAGES

2015 BIENNIUM – EXECUTIVE PLANNING PROCESS “THE BUDGET PROPOSALS”

IMPORTANT NOTE

**ALL AMOUNTS (FTE AND DOLLARS)
THAT APPEAR ON THE FOLLOWING
DECISION PACKAGES
ARE HIGH LEVEL ESTIMATES
AND SUBJECT TO CHANGE**

**Dollar amounts consist of base salary, benefits, office setup
and ongoing costs**

2015 BIENNIUM – DECISION PACKAGES

PACKAGE NO 1: ADD STAFFING TO ADDRESS INCREASED CASELOAD AND/OR EXCESSIVE CASELOAD – PUBLIC DEFENDER PROGRAM (Program 1)

- Add 10 new FTE attorney positions and 5 new FTE admin positions
- The estimate is \$1,035,000 for FY 14 and \$980,000 for FY 15
- The caseload growth for FY 12 is estimated to be at 3% or above
- Caseload growth is expected to affect FTE caseloads. Please see the discussion on page 19

May be subject to change

2015 BIENNIUM – DECISION PACKAGES

PACKAGE NO 1a: ADD STAFFING TO ADDRESS INCREASED CASELOAD AND/OR EXCESSIVE CASELOAD – PUBLIC DEFENDER PROGRAM (Program 1)

- The program may use modified positions during the 2013 biennium to reduce system stress. Estimate: 6.00 FTE attorney positions and 3.00 FTE admin positions. This DP is to make those position permanent.
- The dollar estimate is \$597,000 for FY 14 and \$597,000 for FY 15.

- May be subject to change

2015 BIENNIUM – DECISION PACKAGES

PACKAGE NO 1b: ADD STAFFING TO ADDRESS INCREASED CASELOAD AND/OR EXCESSIVE CASELOAD – APPELLATE DEFENDER PROGRAM (Program 2)

- Add 1 new FTE attorney position and 1 new FTE admin position
- The estimate is \$125,000 for FY 14 and \$118,000 for FY 15
 - May be subject to change

2015 BIENNIUM – DECISION PACKAGES

PACKAGE NO 1c: ADD STAFFING TO ADDRESS INCREASED CASELOAD AND/OR EXCESSIVE CASELOAD – APPELLATE DEFENDER PROGRAM (Program 2)

- The agency may use modified positions during the 2013 biennium to reduce system stress. Estimate: 1.00 FTE attorney position. This DP is to make any position permanent.
- The dollar estimate is \$78,000 for FY 14 and \$78,000 for FY 15
 - May be subject to change

2015 BIENNIUM – DECISION PACKAGES

PACKAGE NO 2: ADJUST CAREER LADDER FOR PUBLIC DEFENDER ATTORNEYS/STAFF (Program 1)

- The agency requests \$800,000 for FY 2014 and \$1,100,000 for FY 2015 to cover both (a) market adjustments to the career ladder and (b) attorney movement within the ladder.
 - The amounts noted above are high level estimates based on a past budget request that was not funded. More refined estimates will be based on a study prepared by a team comprised of agency management and representatives from the attorneys' union. The results of this study should be available in early August.
 - The study looks at salaries for similar positions held by attorneys employed by various county attorney offices throughout the state. This will keep OPD's attorney salaries in line with the prosecution.
- May be subject to change.

2015 BIENNIUM – DECISION PACKAGES

PACKAGE NO 2a: ADJUST CAREER LADDER FOR APPELLATE DEFENDER ATTORNEYS/STAFF (Program 2)

- The agency requests \$101,000 for FY 2014 and \$101,000 for FY 2015 to cover the Appellate staff's wage adjustments.
 - Amounts are based on pay levels in the Attorney General's Office that do similar work.
- May be subject to change.

2015 BIENNIUM – DECISION PACKAGES

PACKAGE NO 3: DEATH PENALTY DEFENSE FUND TO SERVE PRESENT LAW (Program 1)

- The state of Montana has a death penalty. These cases are very expensive and would decimate the agency's base funding.
- This fund would be used only for cases whereby the prosecution is seeking the death penalty and costs actually occur.
- The request is for \$500,000 for each fiscal year.
 - May be subject to change.

2015 BIENNIUM – DECISION PACKAGES

PACKAGE NO 4: RECORDS MANAGEMENT FUNCTION TO SERVE PRESENT LAW (Program 1)

- The agency is required by state law to maintain files as per rules set by the Secretary of State.
- The agency has about 28,000 new client cases per year coming into the system and maintains records for 3 to 10 years or more.
- The agency had federal funds to do the initial set up of the records management system and begin a paperless project.
- The agency requests 1.00 FTE position and \$48,000 in FY 14 and \$44,000 in FY 15 to oversee and manage this requirement.
- The agency will need to develop a request for ongoing operating funds.
 - May be subject to change

2015 BIENNIUM – DECISION PACKAGES

PACKAGE NO 5: COMPUTERS, SERVERS AND COPIERS TO SERVE PRESENT LAW (Program 1)

- The agency was on a 4 year replacement cycle for computers but dropped this program during FY 10 due to funding issues.
- The agency estimates it needs 45 computers and \$46,000 for FY 14 and 6 computers and \$8,000 for FY 15.
- The agency's servers were purchased in its first year of operation and are out of their warranty period and out of storage space.
- The agency estimates it needs 1 server at \$6,000 per server or half in each fiscal year or \$3,000 per year.
- The agency estimates it needs 5 copiers and \$20,000 for FY 14 and 5 copiers and \$31,000 for FY 15.

- May be subject to change

2015 BIENNIUM – DECISION PACKAGES

PACKAGE NO 6: DEPUTY CHIEF PUBLIC DEFENDER (EXEMPT POSITION) (Program 1)

- The Commission requests that a Deputy Chief Public Defender be hired to assist the Chief.
- Add 1.00 FTE position.
- The estimate for FY 14 is \$107,000 and FY 15 is \$103,000.
 - May be subject to change.

2015 BIENNIUM – DECISION PACKAGES

PACKAGE NO 7: INCREASE INVESTIGATOR SUPPORT (Program 1)

- Investigator support – to comply with agency policy 121 – Add 2.00 FTE and \$139,000 for FY 14 and \$132,000 for FY 15.

- May be subject to change.

2015 BIENNIUM – DECISION PACKAGES

PACKAGE NO 7a: INCREASE INVESTIGATOR SUPPORT (Program 1)

- Investigator support – to handle misdemeanor investigations – Add 8.00 FTE and \$556,000 for FY 14 and \$527,000 for FY 15.

- May be subject to change.

2015 BIENNIUM – DECISION PACKAGES

PACKAGE NO 8: ADD ACCOUNTS RECEIVABLE SUPPORT TO ACCOUNT FOR AND REPORT ON CLIENT ASSESSMENTS AND COLLECTIONS (Program 1)

- Comply with SB 187 requirements from the 2011 legislative session.
- Add 1.00 FTE and \$42,000 for FY 14 and \$38,000 for FY 15.

- May be subject to change.

2015 BIENNIUM – DECISION PACKAGES

PACKAGE NO 9: SOCIAL WORKER PROGRAM (Program 1)

- Add 6.00 FTE social workers to be used system wide and \$352,000 in FY 14 and \$330,000 in FY 15.

- May be subject to change.

2015 BIENNIUM – DECISION PACKAGES

PACKAGE NO 10: SPECIALTY COURTS SUPPORT (Program 1)

- May receive staff and funding through adjustments to legislation and its related fiscal note process.

- May be subject to change.

2015 BIENNIUM – DECISION PACKAGES

The next set of decision packages are to fund activities necessary to adopt the recommendations in the American University Report.

2015 BIENNIUM – DECISION PACKAGES TO ADDRESS THE AMERICAN UNIVERSITY REPORT

PACKAGE NO 11: INCREASE CONTRACT ATTORNEY RATE HOURLY RATE (Program 1)

- The American University Report requests that the State of Montana pay contract attorneys at the same level of the Federal Defenders.
 - The Federal rate is \$125 per hour.
 - Each \$1 increase is about \$88,000 per year.
 - The current rate is \$60/hour.
 - The increase is \$65/hour or \$5,700,000 per year.
- May be subject to change.

2015 BIENNIUM – DECISION PACKAGES TO ADDRESS THE AMERICAN UNIVERSITY REPORT

PACKAGE NO 11a: INCREASE CONTRACT ATTORNEY RATE HOURLY RATE (Program 2)

- The American University Report requests that the State of Montana pay contract attorneys at the same level of the Federal Defenders.
 - The Federal rate is \$125 per hour.
 - Each \$1 increase is about \$2,200 per year.
 - The current rate is \$60/hour.
 - The increase is \$65/hour or \$143,000 per year.
- May be subject to change.

2015 BIENNIUM – DECISION PACKAGES TO ADDRESS THE AMERICAN UNIVERSITY REPORT

PACKAGE NO 12: ELIMINATE OR REDUCE CASELOADS FOR AGENCY MANAGERS (Program 1)

- **Option 1:** The American University report recommends that the agency reduce caseloads for attorneys that manage.
- If the agency were to reduce the caseloads to zero, then it would need to hire 16.00 FTE positions and provide office space, furniture, computer, and communication equipment, training, travel, etc.
- The costs of 16.00 attorney positions with benefits, insurance, and office set up is estimated to be \$1,309,000 in FY 14 and \$1,250,000 in FY 15.

- **Option 2:** See following page.

- This amount does not include funding and positions for additional support staff.

- May be subject to change.

2015 BIENNIUM – DECISION PACKAGES TO ADDRESS THE AMERICAN UNIVERSITY REPORT

PACKAGE NO 12: ELIMINATE OR REDUCE CASELOADS FOR AGENCY MANAGERS (Program 1)

OPTION 2: Agency adopts the following case load limits for managers:
FTE REQUIREMENT TO COMPLY WITH POTENTIAL REVISION TO POLICY 114

<u>Region</u>	<u>Position</u>	<u>Current Hr. Limit In Policy - 114</u>	<u>Percent of 2080 hrs</u>	<u>Revised Hr. Limit 1700</u>	<u>Difference</u>	<u>Total</u>	<u>FTE</u>	<u>Round</u>
1	Deputy PD	600	28.85%	-	600			
	Manage Atty - Kalispell	1,040	50.00%	850	190			
	Manage Atty - Polson	1,500	72.12%	1,226	274	1,064	0.63	1.00
2	Deputy PD	600	28.85%	-	600			
	Manage Atty - Hamilton	1,500	72.12%	1,226	274	874	0.51	0.50
3	Deputy PD	1,000	48.08%	817	183			
	Manage Atty - G. Falls	1,700	81.73%	1,389	311	493	0.29	0.50
4	Deputy PD	1,000	48.08%	817	183	183	0.11	0.50
5	Deputy PD	1,000	48.08%	817	183	183	0.11	0.50
6	Deputy PD	1,400	67.31%	1,144	256	256	0.15	0.50
7	Deputy PD	1,400	67.31%	1,144	256	256	0.15	0.50
8	Deputy PD	1,000	48.08%	817	183	183	0.11	0.50
9	Deputy PD	600	28.85%	-	600			
	Manage Atty - Felony	1,700	81.73%	1,389	311			
	Manage Atty - Misd	1,700	81.73%	1,389	311	1,221	0.72	1.00
10	Deputy PD	1,400	67.31%	1,144	256	256	0.15	0.50
11	Deputy PD	1,400	67.31%	1,144	256	256	0.15	0.50
MCU	Manager	-	0.00%	-	-	-	-	
	Total FTE						3.07	6.50

Financial Impact: The costs of these positions with benefits, insurance, and office set up is estimated to be \$245,000 for 3.00 FTE or \$534,000 for 6.50 FTE in FY 2014. In FY 2015 the cost is estimated at \$234,000 for 3.00 FTE and \$508,000 for 6.50 FTE.

- This amount does not include funding and positions for additional support staff.
- May be subject to change.

2015 BIENNIUM – DECISION PACKAGES TO ADDRESS THE AMERICAN UNIVERSITY REPORT

PACKAGE NO 12a: ELIMINATE ALL CASELOADS FOR AGENCY MANAGERS (Program 2)

- The American University report recommends that the agency reduce caseloads for attorneys that manage.
- If the agency were to reduce the caseloads to zero, then it would need to hire 1.00 FTE position and provide office space, furniture, computer, and communication equipment, training, travel, etc.
- The cost of 1.00 attorney position with benefits, insurance, and office set up is estimated to be \$82,000 in FY 14 and \$78,000 in FY 15.
- This amount does not include funding and positions for additional support staff.
- If the Commission decides to move the requirement above zero, this amount would be reduced.

- May be subject to change.

2015 BIENNIUM – DECISION PACKAGES TO ADDRESS THE AMERICAN UNIVERSITY REPORT

PACKAGE NO 13: PROVIDE FOR EMERGENCY ON CALL ATTORNEYS 24x7 (Program 1)

- The American University Report recommends that the agency provide 24x7 on-call attorney services throughout the state.
- If the agency were to provide this service for the entire state, current estimates would require the need to hire 6.00 FTE positions and provide office space, furniture, computer, and communication equipment, training, travel, etc.
- The costs of 6.00 attorney positions with benefits, insurance, and office set up is estimated to be \$491,000 in FY 14 and \$469,000 in FY 15.

- May be subject to change.

2015 BIENNIUM – DECISION PACKAGES TO ADDRESS THE AMERICAN UNIVERSITY REPORT

PACKAGE NO 14: ESTABLISH SEPARATE CONFLICT OFFICE

- **Option 1:** The American University Report recommends that the agency establish a separate conflict office.
- **Option 2:** Conflict Coordinator
 - The Commission hired a .50 FTE conflict coordinator. The conflict coordinator requests that this position be made full time with 1.00 FTE attorney to handle post conviction relief cases and 1.00 FTE admin support. The amount for this DP is \$221,000 in FY 14 and \$210,000 in FY 15.

- May be subject to change.

2015 BIENNIUM – DECISION PACKAGES TO ADDRESS THE AMERICAN UNIVERSITY REPORT

PACKAGE NO 15: ESTABLISH AND STAFF AN APPELLATE BRIEF BANK

- **Option 1:** The American University Report recommends that the Appellate Office establish a brief bank.
- The current estimate is 2.00 FTE Attorneys and \$164,000 in FY 14 and \$155,000 in FY 15 for payroll and operating costs.
- This cost does not include the costs associated with purchasing software or hardware (server space).

- **Option 2:** Trial books at a cost of _____ in FY 14 and _____ in FY 15.

- May be subject to change.

2015 BIENNIUM – DECISION PACKAGES TO ADDRESS THE AMERICAN UNIVERSITY REPORT

PACKAGE NO 16: ADJUST ATTORNEY/STAFF PAY LEVELS TO THAT OF OTHER ATTORNEYS WORKING IN STATE GOVERNMENT (Program 1)

- There is no current estimate for this decision package as it appears to be in conflict with decision package No 2 “Adjust Career Ladder for Attorneys/Staff to Serve Present Law.”
- Package No 2 aligns OPD attorneys with the prosecution while Package No 16 aligns them with other state attorneys.

2015 BIENNIUM – DECISION PACKAGES TO ADDRESS THE AMERICAN UNIVERSITY REPORT

PACKAGE NO 17: SECRETARY TO THE COMMISSION

- The American University Report recommends that the Commission hire its own full time secretary.
- Add 1.00 FTE and approximately \$53,000 in FY 14 and \$49,000 in FY 15.

- May be subject to change.

2015 BIENNIUM – DECISION PACKAGES TO ADDRESS THE AMERICAN UNIVERSITY REPORT

PACKAGE NO 17a: COMMISSION SUPPORT

- Add 2.00 FTE (1 attorney and 1 field auditor) and approximately \$144,000 in FY 14 and \$137,000 in FY 15.

- May be subject to change.

2015 BIENNIUM – DECISION PACKAGES

PACKAGE NO 18: PURCHASE SOFTWARE TO SUPPORT CONTRACTOR CLAIM PROCESSING

- Web based Contract Attorney claim forms can be entered on-line by the attorney.
- Workflow processes that would direct the Conflict forms and Non-conflict forms to the appropriate departments using established OPD Business Rules.
- Information would be generated from the Case Management database to populate the web forms and upon final approval collected information would be loaded into our database for payment processing.
- Improved business workflow and establish an approval process that is unalterable and verifiable.
- Benefits from implementation:
 - Retention schedules can be applied to the information based on OPD current document retention plan.
 - Reduce data input time and errors, possibly eliminating the need for an intern workforce in the accounting department.
 - Reduce the current network loads.
- Cost: about \$80,000, identified as OTO for the software – including other implementation and operating costs.

- May be subject to change.

2015 BIENNIUM – DECISION PACKAGES

PACKAGE NO 19: EXPANSION OF SERVICES DUE TO GAS AND OILFIELD ACTIVITY IN MONTANA

- Discussion related to gas and oilfield activity in Montana and the related need for expansion of services in the following areas.
 - Sidney
 - Glendive
 - Cut Bank

- May be subject to change.

2015 BIENNIUM – DECISION PACKAGES

PACKAGE NO 20: GENERAL SALARY DISCUSSION

- Discussion regarding the increase in salary of the following:
 - Chief Public Defender
 - Chief Appellate Defender
 - Regional Deputy Public Defenders
 - Others

- May be subject to change.

2015 BIENNIUM – DECISION PACKAGES

Any other decision packages?

Any changes to those listed?

Office space/training/auto use for any new FTE?

Other direction from the Commission?

Do you want to prioritize your budget items?

Please remember that if you recommend that something be funded now (FY 12 or 13) it is not a decision package but a potential part of a supplemental request for this biennium.

2015 BIENNIUM – PRIORITY OF DPs

Please set your priorities by decision package?