

MONTANA PUBLIC DEFENDER COMMISSION
BUDGET COMMITTEE MEETING

Butte Public Defender Office
49 N. Main, Butte MT 59701

December 20, 2010
MINUTES

Approved at the March 12, 2012 Meeting

Call to Order

Chairman Fritz Gillespie called the meeting of the Budget Committee to order at 2:40 p.m.

Committee Members Present

Fritz Gillespie, Helena; Caroline Fleming, Miles City; Margaret Novak, Chester; Jim Taylor, Missoula

Committee Members Absent

Jennifer Hensley, Butte

Interested Parties

Randi Hood, Chief Public Defender; Joslyn Hunt, Chief Appellate Defender; Harry Freebourn, Administrative Director; Carleen Green, Accountant

Approval of Minutes

Commissioner Taylor moved to approve the minutes of the September 23, 2010 meeting as submitted. Chairman Gillespie seconded and the motion carried.

Governor's Budget

Administrative Director Harry Freebourn recapped the budget process and presented the Office of the State Public Defender (OPD) budget approved by the Office of Budget and Program Planning (OBPP). The final budget reduced the Commission's request for 17 additional FTE by one, combining the positions of records manager and secretary to the Commission.

The OPBB agreed to reverse the 4% reduction in payroll that had been applied for all agencies, reasoning that including additional FTE without funding them would be pointless. OPD is one of only a few agencies that aren't starting with the 4% reduction. Commissioner Taylor expressed concern that combining the secretary position with the records management function defeats the purpose of isolating the Commission's support person from other staff. Mr. Freebourn said that the same person wouldn't necessarily fulfill both functions; there are many possible scenarios that would provide the desired outcome.

The death penalty defense was not funded, and will be covered by the supplemental process if necessary. The career pay ladders for Programs 1 and 2 were not funded; instead the governor is proposing a 1% increase in January 2012, and another 3% in January 2013, which won't be adequate to cover the pay ladders. Mr. Freebourn hopes that there will be a way to provide parity to the appellate defenders in relation to the union trial attorneys.

The governor's budget rejected all increases to contractor rates. It will be up to the contractors to ask the legislature for an increase. The committee discussed ways of encouraging contractors to participate. Chairman Gillespie and Commissioner Taylor agreed that after six years with no increase, it was time for the Commission to take a stand on increasing the contractor rate. Chairman Gillespie said that he would make the statement to Budget Director David Ewer, but he does not expect to persuade Mr. Ewer to modify the budget. Mr. Freebourn noted that the Commission has the authority to set rates by administrative rule, but paying for the increase would be another matter, and it would have to come from another area.

Financial Statement as of September 30, 2010

The financial statement for the first quarter was presented.

Financial/Operations Report

This will be a standard report to the Commission. A final page with dispositional information will eventually be included. Commissioner Taylor asked why active cases are up 21% while new cases were down slightly for FY 10. Chief Public Defender Randi Hood replied that new cases are more severe and last longer. An analysis will be prepared for the January 10 meeting.

The supplemental request is now included in HB 3 at \$850,000.

American University Recommendations

#4 Budget submission must show accomplishments

Chairman Gillespie commented on the LFD Budget Analysis prepared by Pat Gervais that criticized the agency for using two different methodologies for reporting FY 09 and FY 10 data. Carleen Green, OPD Accountant, said that she discussed the difference between the FY 09 and FY 10 reporting processes with Ms. Gervais, and explained that since she did not know how FY 09 numbers were calculated, she recalculated FY 09 using the FY 10 methodology. Ms. Gervais did not realize that the FY 09 numbers had been recalculated.

Public Comment

There was no public comment.

Old Business/New Business (*Action Items)

There was no old or new business.

Adjourn

Commissioner Fleming moved to adjourn. Commissioner Novak seconded and the meeting adjourned at 3:25 p.m.