

**REGIONAL PUBLIC DEFENDER OFFICE
LOCAL GOVERNMENT CORPORATION**

BOARD OF DIRECTORS MEETING

**FEBRUARY 16, 11:00 A.M
700 LAVACA, AUSTIN, TEXAS**

AGENDA

This Notice and Meeting Agenda, are posted online at www.rpdo.org.

1. Call to Order – *Rick Wardroup*
2. Acknowledgement of a Quorum – *Elaine Nauert*
3. Public Comment - The public will be permitted to offer public comments. *The Board of Directors has no obligation to respond to comments or questions from the public. Any Board deliberation of, or decision about, a subject not included on the current meeting agenda shall be limited to a proposal to place the subject on the agenda for a subsequent meeting. No action can be taken on an item not specified on current agenda.*

CONSENT AGENDA

4. Financial report – *Amy Sharb or Elaine*
5. Consider and approve the Minutes of the June 30, 2021 Board of Directors meeting.
6. Consider and approve the Minutes of the August 31, 2021, 2021 Board of Directors meeting.

ACTION AGENDA

7. Convene into executive session in accordance with Tex. Gov't Code §551.071 to seek the advice about pending or contemplated litigation, settlement offers or on matters in which duty of the attorney under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas conflicts with Tex. Gov't Code Ch. 551.
8. Convene into executive session in accordance with Texas Government Code §551.074 to deliberate the appointment, employment, evaluation, duties, discipline, or dismissal of a public officer or employee. (*Employee disciplinary appeal – Molzow*).
9. Discuss and take action to retain an external auditor for FY21.

10. Discuss and take action to accept the FY22 Grant award from Texas Indigent Defense Commission.
11. Discuss and take action to revise the RPDO-LGC Personnel Policy Manual regarding performance and conduct management, corrective actions and administrative appeals and procedures.
12. Chair report
 - a. Participation
 - b. FY22 first quarter
 - c. Cases
 - d. Staffing
13. Chair to appoint subcommittee workgroup to review standard county interlocal agreement terms and formula.
14. Chair to appoint subcommittee workgroup to review Bylaws and Articles of Incorporation of RPDO-LGC.
15. Discuss and schedule dates and location of Board of Directors meeting for the remainder of 2022.
16. Announcements (*no action*)
17. Adjournment

Posted by Elaine Nauert, System Administrator on February 11, 2022 at 5:00 p.m. as follows pursuant to Tex. Gov't Code § 551.053:

Posted at 1713 Main Street, Lubbock, Texas (*where the main RPDO offices are located and where the public has access during normal business hours*)

Notice of the meeting provided to the Secretary of the State pursuant to Tex. Gov't Code § 551.053

Posted by the Lubbock County Clerk on the bulletin board at the public in the Lubbock County Courthouse.

Executive Session Disclosure Statement: *The RPDO Board of Directors reserves the right to adjourn into executive session at any time during the course of the meeting to discuss any item listed on this agenda as authorized by Chapter 551 of the Texas Government Code, including but not necessarily limited to §551.071 (Consultation with Attorney), §551.072 (Deliberations regarding Real Property), §551.073 (Deliberations regarding Gifts and Donations), §551.074 (Personnel Matters), and §551.076 (Deliberations regarding Security Devices).*

Regional Public Defender Office

Profit & Loss

02/01/22

October 2020 through September 2021

Accrual Basis

	<u>Oct '20 - Sep 21</u>
Ordinary Income/Expense	
Income	
County Contributions	392,776.00
Grant Revenue	3,223,804.87
Total Income	<u>3,616,580.87</u>
Gross Profit	3,616,580.87
Expense	
01 Personnel - Salary	2,700,926.03
02 Fringe Benefits	779,517.70
03 Travel and Training	323,735.56
05 Office Supplies	277,318.37
06 Contract Services	44,983.08
07 Professional Fees	67,531.58
08 Insurance	10,935.00
Reconciliation Discrepancies	0.00
Total Expense	<u>4,204,947.32</u>
Net Ordinary Income	-588,366.45
Other Income/Expense	
Other Income	
Interest/Rebate	646.41
Total Other Income	646.41
Other Expense	
09 Case Reimbursable Expenses	0.00
Total Other Expense	<u>0.00</u>
Net Other Income	646.41
Net Income	<u><u>-587,720.04</u></u>

Regional Public Defender Office

Profit & Loss

02/01/22

October through December 2021

Accrual Basis

	<u>Oct - Dec 21</u>
Ordinary Income/Expense	
Income	
County Contributions	2,277,665.00
Grant Revenue	893,678.97
Total Income	<u>3,171,343.97</u>
Gross Profit	3,171,343.97
Expense	
01 Personnel - Salary	991,869.19
02 Fringe Benefits	299,591.58
03 Travel and Training	88,561.27
05 Office Supplies	99,541.14
06 Contract Services	5,277.90
07 Professional Fees	3,162.50
08 Insurance	11,448.00
Total Expense	<u>1,499,451.58</u>
Net Ordinary Income	1,671,892.39
Other Income/Expense	
Other Income	
Interest/Rebate	449.56
Total Other Income	449.56
Other Expense	
09 Case Reimbursable Expenses	312.92
Total Other Expense	<u>312.92</u>
Net Other Income	136.64
Net Income	<u><u>1,672,029.03</u></u>

**REGIONAL PUBLIC DEFENDER OFFICE
LOCAL GOVERNMENT CORPORATION**

BOARD OF DIRECTORS MEETING

**June 30, 2021; 5:00 P.M.
1713 MAIN STREET, LUBBOCK, TEXAS**

VIA VIDEO CONFERENCE

The following members were present: William Cox, Geoff Burkhart, Dan Hurley, Judge Jim Huff, Commissioner Kevin Burns, Judge Lora Livingston, David Slayton, Katherine McNiell, Rick Wardroup.

Minutes

1. **Call to Order** – *William Cox* – 5:10 p.m.
2. **Acknowledgement of a Quorum** – *Elaine Nauert*
3. **Public Comment** – No public comments
4. **Approval of March 24, 2021 Meeting Minutes**

Upon a motion by Judge Livingston and a second by Geoff Burkhart, the board unanimously voted to approve the minutes of the March 24, 2021.

5. **Financial report** – Amy Sharb presented the financial report
6. **Chief Public Defender’s Report**
 - a. Case/Trial Status
 - b. Staffing Update
 - c. Covid Status Update
 - d. Summer Interns Update
7. **RPDO Business Items**
 - a. **Consider and discuss candidates to fill the judicial vacancy on the board.**

No action taken.
 - b. **Consider and approve a resolution establishing a caseload**

management policy.

No action taken

- c. **Discuss options and models to effectively represent cases appointed to the RPDO.**

No action taken

- d. **Discuss and consider health insurance for FY22.**

Upon a motion by Judge Livingston and a second by Geoff Burkhart, the board unanimously voted to continue to provide health insurance at the same rate as FY21.

- e. **Receive a report from salary committee and take appropriate action.**

Upon a motion by Judge Livingston and a second by Dan Hurley, the board unanimously voted to send the salary grant modification to the TIDC board for consideration and approval.

- f. **Consider and approve the proposed budget for FY22.**

Upon a motion by Judge Huff and a second by Commissioner Burns, the board unanimously voted to approve the FY22 proposed budget, with the salary line item having the condition of TIDC budget approval.

- g. **Discuss and approve the standard form Interlocal Agreement to be utilized for all county interlocal agreements for FY22/23.**

No action taken.

8. **Discuss and schedule setting future Board of Directors meeting**

The next meeting is September 15,2021 at 5:00 by Video Conference.

9. **Announcements** (*no action*)

10. **Adjournment** – 6:30

**REGIONAL PUBLIC DEFENDER OFFICE
LOCAL GOVERNMENT CORPORATION**

BOARD OF DIRECTORS MEETING

**AUGUST 31, 2021; 5:00 P.M.
1713 MAIN STREET, LUBBOCK, TEXAS**

VIA VIDEO CONFERENCE

MINUTES

The following members were present: Geoff Burkhart, Dan Hurley, Judge Jim Huff, Judge Curtis Parrish, Kathryn McNeil, Rick Wardroup, Andrea Marsh and Christi Dean.

1. **Call to Order** – Ray Keith 5:06 p.m.
2. **Acknowledgement of a Quorum** – *Elaine Nauert*
3. **Public Comment** – No public comments
4. **Discuss and approve the resignation of William Cox from the Board of Directors of the Regional Public Defender Office – LGC.**

Upon a motion by Geoff Burkhart and seconded by Andrea Marsh, the board of directors unanimously accepted the resignation of William Cox from the Board of Directors of the Regional Public Defender Office-LGC.

5. **Convene into executive session in accordance with Texas Government Code §551.074, “Personnel Matters”, to deliberate the appointment, employment, evaluation, duties, discipline or dismissal regarding: appointments to the Board of Directors.**

The Board started Executive Session under section 551.074, of the Texas Government Code. at 5:07 p.m. and reconvened in Open Session at 5:11 p.m.

6. **Discuss and take action on the appointment of a member or members to the Board of Directors of the Regional Public Defender Office – LGC.**

Upon a motion by Geoff Burkhart and seconded by Kathryn McNeil, the board unanimously approved the appointment of Christi Dean to the Board of Directors for RPDO-LGC.

7. **Discuss and take action on appointing the chair of the Board of Directors of the Regional Public Defender Office – LGC.**

Upon a motion by Geoff Burkhart and a second by Andrea Marsh, the board unanimously voted to appoint Rick Wardroup as chair of the RPDO-LGC.

8. Discuss and take action on appointing the vice-chair of the Board of Directors of the Regional Public Defender Office – LGC.

Upon a motion by Judge Parrish and seconded by Geoff Burkhart, the board unanimously approved the appointment of Andrea Marsh as the Vice-Chair of the RPDO-LGC.

9. Discuss and schedule setting future Board of Directors meeting

A Doodlepoll will go out with dates of November 3 and 10th, 2021, in Austin.

10. Announcements (*no action*)

11. Adjournment – 5:39 p.m.



**Statement of Grant Award
FY2022 Improvement Grant**

Grant Number: SG-22-122A
 Grantee Name: Regional Public Defender Office LGC
 Program Title: Regional Public Defender for Capital Cases
 Grant Period: 10/1/2021-9/31/2022
 Grant Award Amount: **\$4,738,902**

The Texas Indigent Defense Commission (herein, the Commission) has awarded the above-referenced grant to Regional Public Defender Office LGC (herein, the Grantee) for indigent defense services. The authorized official named on the grant application must sign this Statement of Grant Award and return it to the Commission to accept the award. The grantee will not receive any grant funds until this notice is executed and returned to the Commission. Funding is provided as listed in the categories in the table below:

	Budget
1) Personnel - Salaries (Total Number of FTEs: 56)	\$5,274,280
2) Fringe Benefits	\$1,557,371
3) Travel and Training	\$537,000
4) Equipment	\$15,000
5) Supplies, office expense	\$406,975
6) Contract/Professional Services	\$160,500
7) Indirect	0
Total Proposed Costs	\$7,951,126
Matching Funds (county contributions/fund balance)	\$3,212,224
Total Amount Funded by Commission	\$4,738,902

Standard Grant Conditions:

- The authorized official for the grantee accepts the grant award.
- The authorized official, financial officer, and program director, referred to below as grant officials, must comply with the terms of the grant as written in the Request for Applications issued in January 2021, including the rules and documents adopted by reference in the Commission’s Grant Rules in Title 1, Part 8, Chapter 173, Texas Administrative Code.
- The grant officials understand that a violation of any term of the grant may result in the Commission placing a temporary hold on grant funds, permanently de-obligating all or part of the grant funds, requiring reimbursement for funds already spent, or barring the organization from receiving future grants.
- Disbursement of funds is always subject to the availability of funds.
- The grant officials agree to follow the grant terms contained in the “Terms and Conditions” contained in Attachment A which includes the final grant application.

The authorized official for this grant program has read the preceding and indicates agreement by signing the Statement of Grant Award included below.

Signature of Authorized Official

Name & Title (please print)

Date

Attachment A

Terms and Conditions

In addition to the program requirements stated in the Request for Applications (RFA), these specific program requirements apply to this program.

1. Grantee agrees to follow the Uniform Assurances and Standard Financial Management Conditions as detailed in the Texas Grant Management Standards published by the Texas Comptroller published January 1, 2021. Grantees that are not local governments must follow these standards unless exceptions are approved in writing by TIDC.
2. Requests to revise the scope, target, or focus of the project, or substantively alter project activities require advance written approval from TIDC. Budget adjustments consisting of reallocations of funds among or within budget categories in excess of \$10,000 or ten percent of the original approved budget, whichever is less, are considered budget adjustments and are allowable only with prior approval of the executive director of the Commission.
3. The grantee must maintain an oversight board for the program to perform the following duties: review and provide strategic guidance regarding the RPDO's policies and procedures and organizational structure; develop and monitor the program budget and operations and provide strategic guidance on challenges faced by the program and long-term sustainability; and screen and interview candidates for the position of Chief Defender and present recommendations for the selection or removal of the Chief Defender. The oversight board must meet at least quarterly and may not gain access to privileged or confidential information regarding any RPDO case.
4. The grantee will submit quarterly reports to obtain reimbursement of expended funds based on actual expenditures. The grantee may maintain a program-dedicated reserve fund balance for the Regional Public Defender for Capital Cases. The grantee must submit quarterly program financial activity reports detailing all program income from participating counties and all other sources, all program expenditures, and all program fund balances.
5. This grant requires quarterly progress reports to provide information on the effectiveness of the program. The Commission grants administrator will construct an on-line progress report that reflects the work performed in this program. The grantee will be able to request modifications to the on-line report when the performance measures are determined to not accurately reflect the work performed.
6. The Public Defender's Office will record attorney and support staff work time in a manner that allows for accurate completion of the Public Defender Addendum to the Indigent Defense Expenditure Report. Records must contain sufficient detail to appropriate time and salary across categories of offenses (capital, non-capital felony, misdemeanor, juvenile, felony appeals, misdemeanor appeals, and juvenile appeals).
7. The program must maintain a written policy that includes caseload standards for each attorney and for the general operation of this program. The caseload standard policy should require the Chief Public Defender to review actual caseloads at least quarterly. The Chief Public Defender may approve higher or lower caseloads than the adopted standard based on overall complexity of cases, overall type of cases, attorney experience, support staff experience, court needs, available technology to augment services, or other factors that affect the delivery of services. The Chief Public Defender must notify the program's Oversight Board in writing if an exception to the caseload standards is authorized.
8. Grantees that use grant funds to contract for services must develop and include in the contract provisions to monitor each contract that is for more than \$10,000 per year. These provisions must include specific actions to be taken if the grantee discovers that the contractor's performance does not meet the operational or performance terms of the contract.
9. On November 1, 2020 and May 1, 2021, the grantee must provide a report that contains the list of counties that have an active and valid interlocal agreement as of the end of the preceding month along with the payments for

participation fees each county has made to RPDO LGC. The grantee must also provide a list of cases represented by the public defender for each county in the preceding six months.

10. In the event of loss or misuse of the funds, grantee agrees that the funds will be returned in full to the Texas Indigent Defense Commission.

Grant request follows

Timeline for Reporting and Fund Distribution

Reports will be submitted on-line at tidc.tamu.edu.

Reporting Period	Type Report Due	Date Report Due	Fund Distribution Date
October 2021 through December 2021	Grant Expenditure Report Progress report	January 15, 2022	February 2022
January 2022 through March 2022	Grant Expenditure Report Progress report	April 15, 2022	May 2022
April 2022 through June 2022	Grant Expenditure Report Progress report	July 15, 2022	August 2022
July 2022 through September 2022	Grant Expenditure Report Progress Report	October 15, 2022	December 2022

2022 RPDO LGC Resolution
Indigent Defense Improvement Grant Program

WHEREAS, under the provisions of the Texas Government Code § 79.037(a) as modified by the 87th Texas Legislature, RPDO LGC is eligible to receive grants from the Texas Indigent Defense Commission to provide improvements in indigent defense services for participating Texas counties; and

WHEREAS, the Board of Directors authorizes participation in this grant program to assist RPDO LGC in the implementation and the improvement of the indigent criminal defense services in participating Texas counties; and

WHEREA, the RPDO Board of Directors has agreed that in the event of loss or misuse of the funds, RPDO LGC assures that the funds will be returned in full to the Texas Indigent Defense Commission.

NOW THEREFORE, BE IT RESOLVED and ordered that Ray Keith is designated as the Authorized Official to apply for, accept, decline, modify, or cancel the grant application for the Indigent Defense Improvement Grant Program and all other necessary documents to accept said grant; and

BE IT FURTHER RESOLVED that Ray Keith is designated as the Program Director and contact person for this grant and the _____ is designated as the Financial Officer for this grant.

Adopted this _____ day of _____, 2021.

Chair, RPDO Board of Directors

Ray Keith
Chief Public Defender