



LOUISIANA PUBLIC DEFENDER BOARD BUDGET COMMITTEE

November 21, 2019
Scotlandville Branch Library
10:30 a.m. – 12:00 p.m.

MINUTES

1. A meeting of the Budget Committee of the Louisiana Public Defender Board, pursuant to lawful notice, was duly convened and called to order by Professor Donald North on Thursday, November 21, 2019 at the Scotlandville Branch Library, in Baton Rouge, Louisiana, at approximately 11:11 p.m.

The following committee members were present¹:

Donald North, Chairman
Mike Ginart

Flozell Daniels

Chaz Roberts

The following Committee member was absent:

Zita Andrus

The following members of the Board's staff were present:

Richard Pittman, Interim State Public Defender
Barbara Baier, General Counsel
Natashia Carter, Budget Officer
Anne Gwin, Executive Assistant
Erik Stilling, I.T. Director

2. Adoption of the Agenda. Mr. Chaz Roberts moved to adopt the agenda as presented. Mr. Mike Ginart seconded the motion which passed unopposed.

3. Call for Public Comment. District Defender Chanel Long (District 25 (Plaquemines Parish) presented for Public Comment but agreed to wait until the issue on the agenda came before the Committee.

4. Adoption the Minutes, September 12, 2019. Mr. Chaz Roberts moved to adopt the agenda as presented. Mr. Ginart seconded the motion which passed unopposed.

5. Financial Report through October 31, 2019. Budget Administrator Natashia Carter reported \$27,430,977 expended to date; \$9,144,539 encumbered or to be expended; \$4,267,583

¹ Member Daniels arrived late. Quorum and voting on action items were not affected by his late arrival.

projected to be expended though the end of the fiscal year and zero funds for reallocation. Mr. Chaz Roberts moved to adopt the financial report as presented. Mr. Mike Ginart seconded the motion which passed unopposed.

6. Ratification of FY21 Budget Request - \$67,217,568. Ms. Carter reported the FY21 budget request includes the following increases: The Public Defender Fund - \$27,712,685; CINC - \$3,780,971; DAF - \$20,505,345 and Capital - \$1,800,000. She further reported this year's request is slightly larger than last year's with a 2% increase for salaries. Mr. Pittman clarified that the CINC increase is closer to what the districts actually expend rather than the \$979,680 allocated annually statewide. Mr. Flozell Daniels moved to ratify the request as presented. Mr. Ginart seconded the motion which passed unopposed.

7. District Issues:

a. Solvency Projections. Mr. Pittman gave a brief summary of the projections presented in the materials. The districts showing in red (District 13 (Evangeline Parish), District 15 (Acadia, Lafayette and Vermilion Parishes), District 25 (Plaquemines Parish) and District 41 (Orleans Parish) are projected to be short at the end of FY20.

Prior to addressing funding requests, Mr. Pittman asked the Committee to consider an application process to access the remaining \$308,007 in the residual fund as a means to "regularize" districts' requests for these limited funds. He suggested placing a December 20th deadline for submittals which would give staff reasonable time to evaluate the requests which are to be limited to funding the identified deficiencies in district offices and not for funding shortfalls. Mr. Ginart moved to present the recommendation of the application process to the full board and that any district defenders looking to access the residual fund must apply by December 20, 2019. Mr. Flozell Daniels seconded the motion which passed unopposed. It was further clarified that Mr. Pittman would have the authority to announce the application process guidelines and evaluate the submittals and bring recommendations to the Budget Committee and Board.

b. FY 20 Funding Requests

i. District 25. District Defender Chanel Long reported that since taking the position of District Defender she has discovered the following deficiencies: local funding is down 20% or approximately \$3,000 a month; the accountant for the PDO neglected to pay FUTA taxes so she let him go; she cancelled a \$100/mo. copier ink contract; the Courthouse has been relocated from Belle Chasse to Point-a-la-Hache resulting in attorneys requesting higher salaries to cover the extra travel. She reported her request of \$103,000 to make changes are urgent and that the office will not make it through the year without it. It was clarified that this amount includes a \$15,000 increase to her current salary of \$80,000. Mr. Pittman clarified that the salary issue is listed separately on the agenda.

Mr. Ginart expressed serious concerns that have been brought to his attention by other stakeholders in his district and moved to defer the matter pending staffs' ability to meet with and discuss the concerns with the local district stakeholders and provide a more in depth site visit regarding local monies. Mr. Chaz Roberts seconded the motion.

Ms. Long reported that she can get through the next month but reiterated that the district has been long ignored and that there is very little money to operate, no money for conflict attorneys and no money for contract attorneys at a reasonable rate.

Mr. Ginart stated that Ms. Long's request was insufficient and all of the deficiencies and total needs should be thoroughly spelled out in her request. Further, Mr. Ginart requested that staff visit the district to address some of the issues about which he has been informed.

Professor North reported that the Committee would submit the issue to the full Board without a recommendation, that Mr. Ginart's concerns have to be addressed and that the Committee's position is to support her and her district.

- c. Districts being Monitored
 - i. District 40. Mr. Pittman reported that District 40 was approved funding in 1/3 increments, the second of which will come due on December Dec 12, 2019. District Defender Richard Stricks addressed the Committee and reported that funding in his district, although stabilized, has not changed much and he will still need the approved installments. Professor North indicated the Committee's favorable recommendation. Mr. Stricks also corrected a misstatement at the prior meeting regarding his checking balance.
 - ii. District 41. Mr. Pittman reported that District Defender Bunton submitted a funding request one day prior to the meeting in the amount of \$640,000 which staff has not had time to vet. Mr. Bunton addressed the Committee and reported that he is involved in the city budget process at present and asked that his request be tabled until a later time. He clarified that he is certain he will get some funding from the city and that his request would be for some lesser amount in the future. The Committee tabled the issue.
- d. District 9 (Rapides Parish) Forfeiture Suit. Mr. Pittman reported that District Defender Deirdre Fuller's malpractice carrier is currently representing her in the lawsuit alleging an improper civil forfeiture, but that should litigation be protracted the carrier may discontinue. He stated that the case could settle and that the Plaintiff has acknowledged Ms. Fuller's innocence of wrongdoing.
- e. Salaries of District Defenders
 - i. Salary Ranges. Mr. Pittman reported that the salary range chart is provided for the purposes of assisting in setting salaries for District Defenders but that the Board has yet to hire them. Professor North passed the setting of salaries for District 1 (Caddo Parish), District 6 (E. Carroll, Madison and Tensas Parishes) and District 6 (E. Carroll, Madison and Tensas Parishes) pending the appointment of the District Defenders by the Board.
- f. Salary Increase Request – District 25. Mr. Pittman reported that District Defender Chanel Long was hired at a salary of \$80,000 which was well below other comparable district and a mistake that was reported and acknowledged at the September meeting. He stated his recommendation is for a salary of \$90,000 and clarified that District Defender Long is fulltime.

Mr. Ginart expressed his reluctance and stressed that staff needs to report on whether the district can support the increase or not. Mr. Roberts agreed. Mr. Ginart moved to defer the issue to the full board for discussion. Mr. Roberts seconded the motion. There was no opposition.

8. DAF FY21. Due to insufficient time, Mr. Pittman gave a brief synopsis on the current status of the DAF and that it is moving forward.
9. Announcements. There were no announcements.
10. Next Meeting(s). The next meeting was not set.
11. Adjournment. Mr. Daniels moved to adjourn. Mr. Ginart seconded the motion which passed unopposed.

Guests:

Angela Claxton
G. Paul Marx
Richard B. Stricks
Alan Robert
Kyla Romanach
Derwyn Bunton

Don Kneipp
John Lindner
Joshua Derville
Lindsey Blouin
Jee Park

Chanel Long
Bob Noel
Steve Thomas
Michelle AndrePont
Michael Mitchell

I HEREBY CERTIFY that the foregoing is a full, true, and correct account of the proceedings of the Louisiana Public Defender Board's Budget Committee meeting held on the 21st day of November, 2019, as approved by the Committee on the 2nd day of March, 2020, at Baton Rouge, Louisiana.


Donald W. North, Chairman