

At the regular meeting of the RSW Regional Jail Authority held at the RSW Regional Jail on January 24, 2019 at 2:00 pm:

Present: Doug Stanley (County Administrator, Warren County), Conrad Helsley (Board of Supervisors, Shenandoah County), Garrey Curry (County Administrator, Rappahannock County), Daniel McEathron (Sheriff, Warren County), Dan Murray (Board of Supervisors, Warren County), Mary Beth Price (County Administrator, Shenandoah County), Tim Carter (Sheriff, Shenandoah County), Brendan Hefty (Legal Counsel, Hefty Wiley & Gore), Russell Gilkison (Superintendent, RSW Regional Jail), Steven Weaver (Deputy Superintendent, RSW Regional Jail), Stephanie Smith (Finance Manager, RSW Regional Jail), Mary O'Connor (Administrative Assistant, RSW Regional Jail).

Absent: Christopher Parrish (Board of Supervisors, Rappahannock County), Connie Compton (Sheriff, Rappahannock County).

Welcome and Introductions

Mr. Stanley called the meeting to order at 2:00 pm.

Adoption of Agenda

On a motion by Mr. Helsley, seconded by Mr. Murray, and by the following vote, the RSW Regional Jail Authority adopted the agenda as presented:

Aye: Carter, Curry, Helsley, McEathron, Murray, Price, Stanley

Adoption of Minutes

On a motion by Mr. Murray, seconded by Ms. Price, and by the following vote, the RSW Regional Jail Authority adopted the minutes of May 24, 2018 meeting as presented:

Aye: Carter, Curry, Helsley, McEathron, Murray, Price, Stanley

Public Comments: *Public Comments are limited to issues that are not the subject of a public hearing. It is intended as an opportunity for the public to give input on relevant issues and not intended as a question and answer period.*

There were no comments from the members of the public.

Comments from Board Members and Legal Counsel

Ms. Price thanked Mr. Gilkison for giving a presentation to the Shenandoah County Board of Supervisors. Mr. Stanley thanked Mr. Gilkison for giving a presentation to the Warren County Board of Supervisors in December.

Mr. Hefty stated that the General Assembly is in a short session currently. He stated there is important language in how the budget is worded which will be discussed later in the meeting. Mr. Hefty also mentioned there are other bills that have been proposed that may affect jails or mental health services but it is too early to tell what will become of them in assembly.

Presentation of FY18 Audit

Mr. Kelly gave a presentation about the audit conducted by Robinson Farmer Cox Associates.

Mr. Stanley told Mr. Gilkison he appreciated the fact that there were no concerns from the auditors this year. He explained that every year since opening there have been issues that needed to be worked through and he was glad to see a clean report.

On a motion by Mr. Murray, seconded by Ms. Price, and by the following vote, the RSW Regional Jail Authority accepted the FY2018 audit report as presented:

Aye: Carter, Curry, Helsley, McEathron, Murray, Price, Stanley

Superintendent's Report

Mr. Gilkison reported on the following items:

Average Daily Population

Rappahannock	18	5.4%
Shenandoah	143	43%
<u>Warren County</u>	<u>171</u>	<u>51.5%</u>
Member Jurisdiction ADP	332	
Prince William County Contract Beds	8	
Page County Contract Beds	67	
Culpeper County Contract Beds	42	
Total Facility ADP	426	

Vacancies

28 Officer Vacancies: This includes the eight positions held for vacancy savings.

2 Licensed Practical Nurse Vacancies

1 Nursing Director Vacancy

Mr. Gilkison stated that the officer vacancies was down to 26 since the report was originally generated. He also stated there are three applicants for the nursing director vacancy which are in various stages of the application and background process.

Mr. Helsley asked why the average daily population of the member jurisdictions, added with the contract bed rental numbers did not equal the total facility average daily population. Ms.

O'Connor explained the total number of inmate days, which is included in the facility statistics report, is divided by the number of days in the month to determine the average daily population.

The number of contract inmates reported are the number of inmates from those jurisdictions that have been booked in during the month, regardless of how many days each inmate spent in the facility. The number of Rappahannock, Shenandoah, and Warren inmates reported are averages based on how many days each inmate from the localities spent in the facility during the month.

Recruitment and Retention

2 applicants currently in background. Mr. Gilkison stated within the last few days they have received 3 additional officer applications.

Inmate Programs and Services

On January 10th at 5:30 pm Mr. Gilkison attended the Rappahannock County Recreational Facilities Authority Board meeting to discuss the potential use of the RSW inmate Workforce to assist with the maintenance and special enhancement projects of the Rappahannock County Park located in Washington, VA. This was a very positive meeting and Mr. Gilkison has been invited to return for a site visit at the park on January 22nd for an evaluation of the work projects and to develop a schedule to complete this work.

On December 14, 2018 RSW hosted the McShin Foundation as well as distinguished guests Attorney General Mark Herring, Kate Obenshain, Delegate Todd Gilbert, as well as members of the RSW Regional Jail Authority Board for a community launch. The event was successful in showing the public the McShin program underway at RSW Regional Jail. The McShin substance abuse treatment program has successfully started and there are currently 44 males and 23 female participants. Mr. Gilkison stated that officers have noticed an improvement in the behaviors of the inmates in those housing units.

Mr. Curry asked if the program was equal opportunity for local and contract inmates, and Mr. Gilkison said that it was, with a few criteria that must be met prior to participation.

Financial Report

Ms. Smith reported on the following items:

\$414,650.60 was received from the Compensation Board in December for the November 2018 salaries and benefits reimbursement, of which \$58,172.83 was for vacancy savings. Contract bed rental billing for November 2018 was as follows:

	November 2018
Culpeper County	\$41,430.72
Page County	\$49,800.58
Prince William County	\$ 8,646.00

The total bed rental revenue year to date for FY19, including revenue from medical, housing, commissary, and telephone fees is \$567,495.78. Ms. Smith stated that since doing the December billing the total year to date bed rental revenue is \$675,528.08.

December marks 50% of the year. Expenditures are at 48.9% used and Revenue is at 56.6% realized.

On a motion by Sheriff McEathron, seconded by Sheriff Carter, and by the following vote, the RSW Regional Jail Authority approved the financial report:

Aye: Carter, Curry, Helsley, McEathron, Murray, Price, Stanley

FY20 Proposed Budget

Ms. Smith stated that for the revenue side, the proposed budget includes a 2% increase that was approved by the Compensation Board, however, the proposed budget does not include a 1% bonus funding that has been proposed but not yet approved by the Compensation Board. For the expenditure side the 2020 rates for health insurance have not been received yet, but a 15% increase was included as a placeholder. The proposed budget does include, in the capital outlay section, \$95,000 for two new transportation vehicles, and \$20,000 for resealing and striping the parking lots.

Ms. Price asked if there were any positions held for vacancy savings, Mr. Gilkison stated that eight positions were still being held vacant.

Mr. Stanley stated the Finance and Personnel Committee had discussed the budget and will most likely be making a recommendation to the authority board at the March meeting. He asked all members to look over the budget and forward comments to the members of the committee. Mr. Stanley explained that the committee has asked Mr. Gilkison to scale back the cost of advertising to \$15,000. Mr. Stanley stated the proposed budget includes a 2% increase, a 2.5% increase, and an increase which would bring the starting officer salary up to a minimum of \$41,463.

Mr. Gilkison said the numbers were included as options. The \$41,463 was included to make RSW officer positions competitive with member jurisdiction law enforcement agencies as well as surrounding jurisdictions. Mr. Gilkison explained he would like the salary to be increased to be able to retain current employees and to recruit new employees.

Mr. Curry asked if the numbers presented on the proposed budget would account for compression. Mr. Gilkison explained that the budgeted increase does account for raising all employee salaries commensurately. Ms. Smith stated it was an adjusted scale based on where the salaries would be if the start of the scale was \$41,463.

Mr. Curry asked what the percent increase was and Ms. Price explained it was just over an 8% increase. Mr. Helsley mentioned that the state was proposing a 2% increase. Mr. Stanley agreed, but mentioned the compensation board salaries are currently supplemented by the localities. A 2% increase on the Compensation Board funded salaries might equate to a 1.8% increase on the actual salaries employees receive. Mr. Stanley asked about the 1% bonus funding, which Mr. Gilkison verified would be a onetime bonus that would be passed along in December, but the 2% raise would take effect in July.

Sheriff Carter asked if the first shaded column on the proposed budget was taking into account the 1% bonus. Mr. Gilkison explained the bonus has not been included at all because it has not been approved. Ms. Smith explained the shaded columns illustrated the increase or decrease over the previous year's budget. Sheriff McEathron asked if all employees were funded, in some part, by the Compensation Board. Mr. Gilkison and Ms. Smith confirmed that all RSW employees are Compensation Board employees, except part-time staff.

Ms. Price asked Sheriff Carter and Sheriff McEathron what the starting salaries for deputies were. Sheriff McEathron stated the Warren County Sheriff's Office salaries were recently rescaled and he was not sure what the new starting salary was. Mr. Gilkison said he thought what was advertised on the Warren County website was \$41,463. Ms. Price said she thought the Shenandoah County Deputies were raised to roughly \$41,463 after one year employment. Mr. Helsley asked Sheriff McEathron what Warren County Deputies were raised to after one year employment. Sheriff McEathron explained with the new county career development program there were several steps necessary for deputies to achieve Deputy Two, Deputy Three, Master Deputies and so on. Sheriff McEathron stated the deputies salaries do not go up automatically.

Mr. Stanley asked Mr. Gilkison what the current starting officer salary was. Mr. Gilkison answered it was \$38,224. Sheriff Carter explained that Shenandoah County Deputies make \$38,807 to start, and are raised to \$41,791 after a year of employment and certification. Mr. Helsley asked what RSW officers made after one year of employment. Ms. Smith said after one year, officers' salaries are moved up to \$39,180, which is a 2.5% step increase. Mr. Gilkison explained this step increase occurs after officers move from a 7 to an 8 in the Compensation Board scale.

Sheriff McEathron asked if Mr. Gilkison had the leeway to raise officers' salaries levels within each grade. Mr. Gilkison explained he could raise salaries to a C level which was only 5% above the starting salary. Mr. Stanley asked if the C level was below the proposed starting salary of \$41,463, and Mr. Gilkison confirmed that it was.

Mr. Stanley asked for everyone to look over the budget as he would like to have the budget finalized by the March 2019 meeting of the Authority Board.

Sheriff McEathron asked if RSW got a salary raise last year. Mr. Gilkison explained it was a raise from the Compensation Board. Ms. Smith explained staff got a 2% raise in July 2018 and a 0.5% raise in January 2019.

Mr. Murray asked Mr. Gilkison if he could determine the Attrition Rate for the year (how many employees RSW lost), as well as the cost of retraining overtime due to the loss. Sheriff McEathron explained that some of the officers have left RSW to go to the Warren County Sheriff's Office. Mr. Gilkison attributed much of the loss to both the Warren County and the Shenandoah County Sheriff's Offices to normal flow of officers from jails to patrol positions, but Mr. Gilkison did state it is tough trying to rent bed space and bring in additional revenue when officer numbers were down.

Mr. Stanley explained that raising the salary would help to get the application numbers up, as was the case with the previous salary rescale. Sheriff McEathron stated that the salary would help but sometimes the quality of applications was not met for employment. Mr. Gilkison agreed and stated when the officer vacancies hurts the agency the most are during academy sessions as mandatory overtime has to be enforced.

Mr. Stanley asked all members to let the committee know of any comments or concerns they had with the budget so it could be discussed at the Finance and Personnel Committee meeting in February.

FY 2018 True Up: Three Year Rolling Average (FY16, FY17, FY18)

Ms. Price explained the true up was a three year rolling average based solely on the population at RSW. Ms. Price stated the amount to be returned to localities was currently based on the true up three year rolling average. Ms. Price explained they were not sure if the amount being returned to the localities should be based on the 2018 budgeted contribution, or the true numbers determined by the three year rolling average. Ms. Price stated the return is currently based on the true up numbers, but as discussed at the Finance and Personnel Committee the numbers would be verified by Davenport.

Ms. Smith explained the reason it is set up this way is because the true up represents the actual usage. The budget for FY18 represents what was used in FY16, just as FY20 will be based on what was used in FY18. The return is based on usage rather than budget. Sheriff Carter asked if the 40.25% number would be the true up number for Shenandoah County and the number used for the FY20 budget. Ms. Smith stated it was. Mr. Helsley said the FY18 contribution from Shenandoah County was not 34.29%, as shown in the true up, he contested it was 38%. Ms. Smith explained that the number Mr. Helsley was thinking about was the FY19 rather than FY18 contribution from Shenandoah County.

Ms. Price spoke about the calculations on the right side of the true up document which reflects the additional revenue of \$1,321,809. It had been discussed by Mr. Kelly of Robinson, Farmer, Cox Associates, and by members of the authority board to begin saving 50% of the additional revenue for the Capital Reserve Account following the Capital Improvement Plan conducted by Moseley Architects. This would equate to saving \$660,905. The other 50% of additional revenue would be returned to localities in the form of a credit toward each locality's fourth quarter payment.

Ms. Price explained the bottom left of the true up document broke down the return to localities by each localities' usage, or true up percent. The fourth quarter credit for Rappahannock would bring the payment from \$123,064 to \$88,300; for Shenandoah it would bring the payment from \$741,894 to \$475,880; and for Warren it would bring the payment from \$1,088,425 to \$728,298.

Ms. Price explained the recommendation from the Finance and Personnel Committee was to put 50%, or \$660,905 into the Capital Reserve Account and return 50%, or \$660,904 to the localities.

Mr. Helsley asked if the calculations at the bottom of the document were calculated using all of the additional revenue of \$1,321,809; or just the 50% or \$660,904. Ms. Smith answered it was just the 50% proposed return being used to calculate the credit toward the fourth quarter payment.

Mr. Stanley explained the board was trying to balance returning money to help with the local budgets while also saving enough to account for the Capital Improvement Plan of the next twenty years. Mr. Stanley stated for the past few years the localities have been saving 20% of additional revenue, however, based on the Capital Improvement Plan it is necessary to begin saving more. Ms. Smith stated that currently the Capital Reserve Account has roughly \$408,000. If 50% of the additional revenue was put into the Capital Reserve Account it would bring the total to roughly \$1,060,000. Sheriff Carter asked if this was in addition to the 60 day operating reserve balance. Ms. Smith confirmed that it was in addition to the operating reserve balance, explaining that there are two accounts an operating reserve and a capital reserve.

Ms. Price asked Ms. Smith if the operating reserve balance was increased relative to the budget, as the budget has increased significantly. Ms. Smith answered that it had been. Mr. Helsley said it was a good idea to put 50% into the capital reserve account in case anything broke down or needed to be replaced, so Mr. Gilkison would not have to ask the localities for more money mid-year as it was not guaranteed he would get it.

Mr. Stanley explained the budget for 2020 includes an increase in revenue from contract bed rentals and proposes raising salaries in an effort to lower vacancies. He explained renting bed space and vacancy savings are the biggest contributors to additional revenue left over at the end of the year which may not be present next year. Mr. Stanley stated it was necessary to save

money for any issues that may arise as well as the maintenance and replacement expected within the next ten or fifteen years.

On a motion by Ms. Price, seconded by Sheriff Carter, and by the following vote, the RSW Regional Jail Authority placed 50%, or \$660,905 into the Capital Reserve Account, the other 50%, or \$660,904 be returned to the localities in the form of a credit on their fourth quarter payments:

Aye: Carter, Curry, Helsley, McEathron, Murray, Price, Stanley

Mr. Stanley stated the total amount of \$660,904 was correct and said he would verify the individual amounts for each locality with Davenport.

2018 Annual Water and Sewer True Up

Ms. Smith stated that throughout the year RSW experienced some issues with the sewer meter causing the usage to increase along with the bills. Ms. Smith stated the facility had worked with the Town of Front Royal to resolve the errors and RSW had been issued a credit, however, some of the sewer totals per month do reflect the error in the sewer system.

Mr. Gilkison explained that he has taken some steps to correct issues the system had been having. Mr. Gilkison stated a hot water hose-bib connection has been installed so maintenance can start cleaning the area to ensure buildup is not causing the optical reader to give false readings. Mr. Gilkison explained he is in the process of getting an alarm point on the building management system so if it starts giving readings outside of certain parameters they will be alerted right away.

Mr. Stanley explained that it was one of the wettest years on record and a lot more water would have been going to the cistern for the laundry cooling towers which then goes into the sewer system. He stated part of the increase in sewer usage may be attributed the increase in water that goes into the sewer system from the cistern. Mr. Stanley also explained RSW has a special deal with the town in which RSW pays 1.3 times the regular rate up to 6,480,000 gallons of water used. The number of 6.48 million gallons came from Moseley Architects original estimations of 330 inmates not the current increased population of 450.

Mr. Gilkison explained that even with the adjustments made, the facility still uses over 6,480,000 gallons of water per year which puts RSW into the next scale where the facility pays two times the regular rate. He stated the facility had been paying the double rate almost since the facility opened and will likely always have to pay the double rate.

Mr. Curry asked if RSW had a contract with the town and Mr. Stanley confirmed the facility did. Mr. Curry asked if there was any chance to renegotiate the contract if RSW would consistently be over the 6.48 million gallons. Mr. Stanley said there is always room for negotiating it would

just have to be done at the proper time. Mr. Stanley asked Mr. Gilkison and Ms. Smith to put together the five year history of water and sewer usage.

Ms. Smith stated she had the water and sewer true up from 2017 with her and explained the water usage was at 6.7 million gallons, and for this year it was at 8.2 million gallons which she attributed to having the higher population. Sewer usage for 2017 was at 9.8 million gallons.

Mr. Murray asked Mr. Gilkison if he had a flush for the meter. He explained putting in a solenoid booster would make it possible to wash the system. Mr. Murray explained it could be made part of the maintenance staff's rounds to push the button, flush the system and clean it. Mr. Gilkison stated that was why the hose-bib connection was installed so it could be cleaned regularly. Mr. Murray explained the benefit of a solenoid was that it was under pressure and could be cleaned with a push of a button. Mr. Gilkison said he would talk to the Town of Front Royal about it but they are particular about what can be done without a representative present, and it was difficult to arrange having a representative come out.

Board of Corrections Certification to Hold Adjudicated Juveniles

Mr. Gilkison discussed a situation which occurred in December 2018 wherein Shenandoah County Deputies made an arrest of a juvenile who had previously been adjudicated as an adult. The Code of Virginia states that once a person has been adjudicated as an adult he or she is always seen as an adult in the eyes of the law. The deputy attempted to bring them to RSW, however, effective July 1, 2018 RSW cannot house juveniles unless the facility is certified to do so. Mr. Weaver explained the inmate's charges were out of Rockingham County, but they are not certified to hold juvenile arrestees either. Mr. Weaver explained that he spoke with the magistrate who stated the juvenile could not be committed to a juvenile facility.

Mr. Gilkison stated that he had reached out to the Department of Corrections to see what would be necessary to become certified to hold adjudicated juveniles. Mr. Gilkison explained there are 13 facilities in the state of Virginia that are certified to hold adjudicated juveniles, the closest facilities being Middle River Regional Jail and Prince William County Adult Detention Center. However, just because a facility is certified does not mean it will accept juveniles from other jurisdictions.

Mr. Gilkison explained that he has not heard back from DOC in terms of what will be needed in order for RSW to become certified to hold adjudicated juveniles, but he wanted to speak with members of the Authority Board especially the Sheriffs to get their input.

Sheriff Carter stated he was only aware of such a case occurring once within the last twenty years. Mr. Gilkison stated there is potential that juvenile detention centers could petition to have juvenile offenders who are behavioral problems to the center, removed and placed in adult detention centers and jails. Mr. Gilkison explained further legislation is being proposed that would forgo the need for a certification in order to house juvenile offenders adjudicated as adults, providing they adhere to federal and state regulations. Mr. Gilkison explained he would

rather have a certification regardless, as being uncertified opens the facility to the possibility of lawsuits and grievances with no way to prove the facility is adhering to the regulations.

Sheriff McEathron said he thought it was good to reach out to DOC to see what the process of becoming certified to hold adjudicated juveniles would be. Sheriff McEathron stated he did not want to begin housing juvenile offenders. Mr. Gilkison agreed with Mr. McEathron. Ms. Price pointed out that per discussion at the Finance and Personnel Committee meeting, Mr. Gilkison was not sure that RSW would qualify to hold juvenile offenders adjudicated as adults. Mr. Gilkison explained that he assumed RSW would qualify, but they would need sight and sound separation from any adult offenders. The juveniles would have to be placed in administrative segregation units to prevent sight and sound. Mr. Gilkison explained administrative segregation, or isolation is not a healthy long term environment.

Mr. Gilkison explained that if RSW did become certified he would only accept juveniles adjudicated as adults from Rappahannock, Shenandoah, or Warren Counties. He stated if RSW became certified the contract bed partners would probably ask to send their juveniles adjudicated as adults to RSW if they had any. Mr. Gilkison stated should that predicament arise he would ask the authority how to proceed.

Sheriff Carter stated his position was for Mr. Gilkison to find out what would be needed to acquire the certification and to proceed if it is not too much trouble. Sheriff Carter stated he did not believe it would be a problem often, if at all. Mr. Stanley stated he did not want to see local deputies in a bind of trying to find a place that would accept a juvenile offender adjudicated as an adult in the middle of the night if there is no place nearby that can and will accept the offender. Mr. Gilkison stated he did not believe it would happen often either, but he wanted to be proactive about it.

Mr. Gilkison explained if there was a juvenile offender adjudicated as an adult that was going to be incarcerated for a long time he would try to find another facility with similar juveniles and do an inmate swap or something to get the juvenile out of the isolation environment.

Support Letter for Senate Bill 1040

Mr. Hefty explained that Senate Bill 1040 has passed out of the senate, which would have changed the reimbursement for state responsible inmates. Currently the jail receives \$12 a day which is provided for in the Appropriations Act. The bill sought to amend the reimbursement to be commensurate with the actual costs incurred from housing and caring for state responsible inmates. Mr. Hefty stated that the act has been amended to include “this act shall not become effective unless an appropriation effectuating the purposes has been approved by the general assembly.” Mr. Hefty explained this language denotes that no money is promised, and the Appropriations Act is still the source of funding for state responsible inmates.

Mr. Stanley stated it was a step in the right direction by acknowledging there is a gap in funding. Sheriff McEathron suggested DOC might find it easier to take the inmates rather than pay for the actual cost of care.

Mr. Stanley stated the Finance and Personnel Committee moved to recommend sending a support letter.

On a motion by Mr. Helsley seconded by Mr. Murray and by the following vote, the RSW Regional Jail Authority approved a support letter for SB1040:

Aye: Carter, Curry, Helsley, McEathron, Murray, Price, Stanley

Finance and Personnel Committee Update

Ms. Price stated there was nothing further to discuss from the Finance and Personnel Committee meeting.

Mr. Stanley stated Ms. Price only had one more Authority Board meeting before retiring.

Other Outstanding Issues

There were no outstanding issues to be discussed.

Meeting Schedule

- March 28, 2019 at 2:00 pm
- May 23, 2019 at 2:00 pm
- July 25, 2019 at 2:00 pm

Adjournment

On a motion by Mr. Murray, seconded by Sheriff McEathron and by the following vote the RSW Regional Jail Authority Board meeting was adjourned at 2:55 pm.

Aye: Carter, Curry, Helsley, McEathron, Murray, Price, Stanley

Doug Stanley, Chairman
RSW Regional Jail Authority Board

Date Approved