

MINUTES
TRANSYLVANIA COUNTY BOARD OF COMMISSIONERS
February 17, 2009 – SPECIAL MEETING

The Board of Commissioners of Transylvania County met in special session on Tuesday, February 17, 2009 at 6:30 p.m. in the Rogow Room of the Transylvania County Library. The purpose of the meeting was to discuss the budget and potential staffing patterns for the new Public Safety Facility.

Commissioners present were Lynn Bullock, Chairman Jason Chappell, Mike Hawkins and Vice-Chairman Kelvin Phillips. Commissioner Daryle Hogsed was absent. Also present were County Manager Artie Wilson, Finance Director Gay Poor, Human Resources Director Sheila Cozart, Sheriff David Mahoney and Clerk to the Board Trisha McLeod.

Media: *Hendersonville Times* – Leigh Kelly
Transylvania Times – Mark Todd

There were approximately 10 people in the audience.

Chairman Jason Chappell presiding called the meeting to order at 6:35 p.m. and welcomed everyone to the meeting.

Sheriff David Mahoney reviewed the potential staffing plans for the new Public Safety Facility.

Plan A

Plan A largely reflects the plan Commissioners approved last year. Changes in the plan are related to the termination of the Lake Toxaway contract and the expiration of the domestic violence investigator grant.

The Sheriff reported he made additional reductions in the budget to offset the cost of funding the remaining portion of the position previously funded by the Lake Toxaway Community Association and the domestic violence investigator. He said services in the western part of the County will be greatly hindered if the patrol officer is not funded. He further stated that through the work of the domestic violence investigator, there has been a decrease in domestic violence cases and much success in evidence based prosecution.

Plan A includes moving one telecommunicator into a patrol position to cover the western part of the County and moving another telecommunicator into the domestic violence investigator position. Plan A also includes the additional detention officers previously approved the Board. The Sheriff reported Plan A has a net reduction of \$229,106.

In response to a question from Commissioner Hawkins, the Sheriff said the termination of the Lake Toxaway contract only leaves four deputies per shift to cover the entire

County. The addition of a patrol officer assures a fifth officer is available to answer calls from 2:00 p.m. to 2:00 a.m. when the call volume is highest.

Plan B

Plan B reduces the number of detention officers from the number previously approved by the Board. The Sheriff said many years of planning went into determining the type of facility to build, how many beds it should have, whether to provide direct or indirect supervision, etc. Upon determining these elements, Moseley Architects prepared a staffing analysis which indicated 36 staff would be required to operate the new facility, which the Board of Commissioners accepted. Recently the Sheriff asked the NC Justice Academy to complete a separate staffing analysis and the results were very similar to Moseley's. The NC Justice Academy's analysis indicates 34 staff is required to operate the facility.

The Sheriff said any plan other than Plan A strays from the thought processes that went into the planning of this facility. Plan B reduces the number of officers by four. Plan B does not offer built in shift relief and the need for overtime and part time funds increases. Additionally it reduces the number of officers that can respond to an emergency situation in the detention center. The Sheriff also pointed out that reducing staff increases liability. NCGS requires detention officers to make periodic checks on inmates twice an hour at minimum on an irregular basis. His concern is whether there will be enough staff to make the required checks on inmates.

The reduction of four staff provides a savings of \$232,000. The Sheriff said this amount added to the earlier budget cuts in the amount \$282,000, totals roughly \$516,000 in reductions from his budget.

The Sheriff again recommended adding two positions which are offset by the reduction of two telecommunicators for a total net savings of \$438,513.

Plan C

Plan C reduces the number of staff by six. The Sheriff said this plan will literally abandon the philosophy of providing direct supervision to inmates. He cited many of the same problems as Plan B, such as limited ability to respond to an emergency, limited shift relief, and increased overtime and part time. If the detention center is not adequately staff, the Sheriff said the County could potentially face liability issues in the future.

The Sheriff asked the Board to consider all the proposals and take the time to read the information he provided. The Transition Team met in July to begin writing post orders, policies and procedures, etc. Preparing for the move to the new facility has been a great deal of work. The Transition Team will have to amend all their work if the Board makes reductions in staff. The Sheriff asked for direction from the Board because time is of the essence.

Manager's Presentation

The Manager reported the reduction of the two telecommunicators and $\frac{3}{4}$ of a position formerly paid for by Lake Toxaway Community Association equates to a savings of \$110,000 in Plan A. Commissioners had previously said when the grant funds ran out for the domestic violence investigator, the position would be eliminated. This is essentially an added position under Plan A. The Sheriff's recommendation is to make the $\frac{3}{4}$ officer position a full time position which is another added position. The reductions equate to a savings of \$110,000 but the added positions cost \$140,000. From a personnel standpoint, Plan A increases the budget by \$30,000.

Plan B reduces the number of staff by four but increases the need for overtime and part time. Plan B has a potential reduction of approximately \$151,000.

Plan C reduces the number of staff by six, for a savings of \$190,000.

The Manager summarized each Plan by noting the differences in personnel:

- Plan A – Adds $\frac{1}{4}$ position.
- Plan B – Reduction of $3\frac{3}{4}$ positions.
- Plan C – Reduction of $5\frac{3}{4}$ staff.

Discussion

Chairman Chappell asked if the dollars allocated for overtime and part time were acceptable to the Sheriff. The Sheriff said his office uses up these monies quickly each year because it is hard to account for sickness, vacation and injuries. He does not have staff available to fill in so he must seek relief through overtime and part time help.

Commissioner Hawkins mentioned the report indicates a reduction in staffing is directly related to more maintenance and replacement of equipment. He asked the Sheriff to explain. The Sheriff said the less time inmates are supervised the greater the chances are they may cause damage to the facility or equipment. He further stated this is an unforeseen cost and is difficult to budget for.

Chairman Chappell inquired as to when the County received the grant for the domestic violence investigator. The Manager responded that the position has been paid for by grant funds for the past two years.

Commissioner Bullock commented that statistics show most jails are at three quarters capacity within the first two and half years. He further commented that some of the reductions Commissioners may ask the Sheriff to make will be temporary until the economy improves. He asked if it would be difficult to operate the facility with one less officer during the evening shift being inmates should be locked in their cells during this time. The Sheriff said he anticipates the jail will be at 75% to 80% capacity within the first six to ten months and 50% the day the facility opens. This is a result of having bed space. He expects Magistrates will now be able to issue secured bonds and more offenders will be sentenced to active time, whereas this did not normally happen due to the lack of bed space in the current jail. He also expects to be near full capacity while

working through the backlog of weekenders. The Sheriff also discussed his plan to generate revenues through work release programs, housing State and federal sentenced offenders, and a commissary program. He pointed out, however, that these programs will require staff.

Chairman Chappell inquired about the domestic violence investigator's responsibilities before receiving grant funding. The Sheriff said the position did not exist before grant funding became available. Domestic violence calls were handled by the patrol shift on duty and investigators were called out for felonious assault cases. The Sheriff said this position has allowed his department to have one person focus his time, efforts and attention on domestic violence and sexual assault cases. The officer assists victims, tracks cases through court, and works along side agencies such as SAFE, Inc. to ensure a smooth process and evidence based prosecution. The domestic violence investigator is also involved with the sex offender registry program and is a member of the Internet Crimes Against Children Task Force. The Sheriff noted a recent arrest in this County simply through participation on this Task Force.

Commissioner Hawkins asked if having one less officer during the evening shift presents safety issues for staff and inmates. The Sheriff responded saying part of the night shift runs from 5:00 p.m. to 11:00 p.m. Inmates are required to be let out of their cells for a certain period each day. Depending on the population, it is possible to have a situation where there is not enough staff. Regardless of whether or not inmates are locked in their cells and sleeping, officers are required to perform two checks per hour. If a situation occurs where officers have to respond quickly, some of the checks may not get made if there is a shortage of officers. If something were to happen to an inmate an investigator is first going to see if the required contacts were made. The Sheriff commented that in this line of work one can not predict when bad situations may occur.

The Manager asked how Plan B would affect the protocols. Lieutenant Mike Carpenter said Plan B has the least amount of impact but still changes the protocols significantly. Reducing the number of staff by one eliminates one of the housing units. He also said the central control unit can not be staffed with part time officers. The Manager said Plan B should not affect the central control unit. The Sheriff said Plan A has built in shift relief, whereas Plan B does not. The officer in Plan A can be cross trained to operate the control room and offers shift relief to pod officers. Officers in the control room literally hold the keys to safety and security to the entire facility and therefore must be highly trained. Plan B reduces the number of officers and the ability to fill in other areas where needed. The Sheriff further noted that with Plans B and C the protocols would have to be changed.

In response to a question from Commissioner Hawkins, the Sheriff said not all officers can be cross trained. Booking officers are sworn officers because they serve warrants, etc. which requires special certification from the State. Not all detention officers are sworn officers and therefore can not fill in as booking officers.

Chairman Chappell asked how soon the Sheriff needed direction from Commissioners.

The Sheriff said five positions are slated to begin March 16. He has not yet posted these positions and withheld doing so pending a decision by the Board.

The Manager and the Sheriff discussed the staff reductions further. The Sheriff said he can make reductions in Plan A in order to keep the domestic violence investigator and patrol officer. The Manager said there will be a savings in the reduction of prisoner overflow but noted the reductions in staff do not take into account additional utility costs and other added costs of opening the new facility.

Commissioner Phillips inquired about the amount of revenue the Sheriff expects to receive for housing State inmates and how many inmates the County would need to house to offset the cost of an officer position. The Sheriff said his first goal will be to clear the backlog of weekenders. The Manager said counties receive \$18 per day for housing State inmates. The County would need to house several of them to offset the cost of an officer. The Sheriff added that additional revenues can be realized through work release programs, the commissary, etc. The Sheriff noted he has spoken with surrounding counties already about housing their inmates. Two of those counties house federal inmates and they now have less bed space for their local inmates.

Chairman Chappell inquired about the percentage of calls the Lake Toxaway officer responded to outside the Lake Toxaway area. The Sheriff said the Lake Toxaway officer was dispatched on a call by call basis and to calls in progress. He further stated that without adding the patrol officer there will only be one officer available per shift to cover the entire western part of the County.

Chairman Chappell said many different factors will be considered before making a decision and the Board needs to look at each item line by line. He expressed the challenges the Board faces, especially with the loss of the domestic violence investigator position, which the Sheriff has clearly indicated a need for, and the loss of the Lake Toxaway contract.

Commissioner Bullock asked how many hours a day inmates are required to be out of their cells for exercise. The Sheriff responded that inmates are allowed to be out of their cells at least one hour per day. Lieutenant Carpenter added that it depends upon the classification of the inmate. Discipline, mental health status, etc. are all factors that determine the classification of an inmate. The Sheriff further added that programs he plans to offer such as AA, NA and chaplain services will require inmates to be out of their cells for longer periods.

Commissioners agreed to allow the Sheriff to move forward with posting the five positions slated to begin in mid-March. They also agreed they need to look at other areas before instructing the Sheriff on how to proceed, specifically the Board of Education's needs. The Board will be meeting with the Board of Education in mid-March.

After discussion, the Board agreed to make a decision about the staffing at their second meeting in March.

The Sheriff encouraged Commissioners to look at the design layout of the facility and compare that to staffing positions and literally walk themselves through the detention center and imagine how it should be staffed and why the positions are needed.

There being no further business to come before the Board, **Commissioner Bullock moved to adjourn the meeting, seconded by Commissioner Phillips and unanimously carried.**

Jason R. Chappell, Chairman
Board of County Commissioners

ATTEST:

Trisha D. McLeod
Clerk to the Board