



## GRANT COUNTY FISCAL COURT

### Minutes

### Special Meeting

September 26, 2016

#### Call to Order

Judge/Executive Stephen Wood called to order the Special Meeting of September 26, 2016.

Those in attendance were Judge/Executive Stephen P. Wood; Magistrates Jacquelyn Riley, Bobby Newman, and Shawna Coldiron; Sheriff Chuck Dills, and Deputy Judge/Executive & Fiscal Court Clerk Scott Kimmich.

Citizens in attendance were: Chief Deputy Sheriff Brian Maines, Deputy Mike Webster, Deputy Bobby Webb, Deputy Jailer Howard and Cindy Chipman, Chief Deputy Jailer Lisa Mentrup, Teresa Wood, David Rose, Harvey Perleberg, Cindy Chipman, Deputy Jailer Howard Chipman, Deputy Jailer James Dressman, Jail Bookkeeper Melissa Preston, Jim Simpson, Chuck Given, Deputy Jailer Adam Prince, and Dry Ridge Mayor Jimmy Wells.

#### Presentation on Meeting Jail Standards

Judge Wood opened the meeting and reported to the county magistrates that he has reached out to 7 counties concerning housing our prisoners and has received rates ranging from \$35.00 to \$66.00 per day.

Judge Wood advised the court Scott County, Carroll County Detention, Franklin Regional Jail and Fayette County Detention have all advised they have no bed capacity.

Judge advised he has reached out to Owen and Pendleton Counties concerning the potential of creating a regional jail.

Judge Wood recognized Deputy Judge Kimmich who presented an analysis and history of the Jail issues confronting the Fiscal Court. (A copy of said report is on file in the office of the Judge/Executive for public inspection.)

Kimmich reported, on July 7, 2016, Jailer Chris Hankins made the unilateral decision to reduce the population at the Detention Center by 69 state inmates creating an estimated revenue shortfall of \$791,000. The email communication from the Jailer was accompanied by a complaint that the Fiscal Court had not allowed him to grant salary increases through realignment of staff. The merits of said decision are now a matter of litigation pending before the Grant Circuit Court.

Kimmich presented financial notes related to the condition of the Detention Center showing the number of inmates housed in the Grant County Detention Center for the state and other counties

has fluctuated in a significantly negative manner in Fiscal Years ending June 30, 2015 and June 30, 2016. For fiscal year ending June 30, 2016, the county was required to transfer in \$448,500 from the General Fund as well as make the debt payment (\$489,125) on the facility. This demonstrates a net negative impact on the county's finances of \$937,625.00 in one year. The most significant differential in the two budget cycles is demonstrated in the revenue generated from the state prisoner revenue. In the fiscal year ending June 2015, the Jailer (Mr. Terry Peeples) estimated receipts of \$3,240,000 and actual receipts were \$2,994,975.76, a shortfall of \$245,024.24. It should be noted that Mr. Peeples left office January 5, 2015.

In the fiscal year ending June 2016 the Jailer (Mr. Chris Hankins) estimated state prisoner revenue at \$3,370,000 and actual receipts were \$2,388,905.68, a shortfall of \$981,094.32.

Kimmich advised the court it is important to note than in the operation of a detention center the only revenue in which there is significant potential for fluctuation is in the receipts generated from inmates housed on behalf of the Commonwealth or other counties. A snapshot of revenue at the Grant County Detention Center for the last three most recent Fiscal Years are as follows:

A snapshot of state inmate revenue is reported by quarter was presented.

**FY ending June 30, 2013**

1 <sup>st</sup> . Qtr.	2 <sup>nd</sup> . Qtr.	3 <sup>rd</sup> . Qtr.	4 <sup>th</sup> . Qtr.	Annual	Budget v Actual
\$821,076.66	\$800,831.02	\$771,653.48	\$643,848.96	\$3,037,410.12	+9,410.12

**FY ending June 30, 2014**

1 <sup>st</sup> . Qtr.	2 <sup>nd</sup> . Qtr.	3 <sup>rd</sup> . Qtr.	4 <sup>th</sup> . Qtr.	Annual	Budget v Actual
\$512,847.76	\$740,460.18	\$826,310.44	\$843,860.84	\$2,923,489.22	-213,510.78

**FY ending June 30, 2015**

1 <sup>st</sup> . Qtr.	2 <sup>nd</sup> . Qtr.	3 <sup>rd</sup> . Qtr.	4 <sup>th</sup> . Qtr.	Annual	Budget v Actual
\$835,587.08	\$792,494.58	\$691,579.78	\$675,314.32	\$2,994,975.76	-245,024.24

**FY ending June 30, 2016**

1 <sup>st</sup> . Qtr.	2 <sup>nd</sup> . Qtr.	3 <sup>rd</sup> . Qtr.	4 <sup>th</sup> . Qtr.	Annual	Budget v Actual
\$658,602.20	\$646,712.36	\$590,378.70	\$493,212.24	\$2,388,905.68	-981,094.32

Kimmich reported that given what was at the time the current financial condition of the facility, noted below, the court was left with little options but to move swiftly in making a decision concerning the future of the corrections program in Grant County. The situation was the court had already taken steps to:

1. Transfer in \$448,500.00 to cover expenses.
2. Provide for the payment of the debt service \$489,125.00.

The unilateral actions of the Jailer would have resulted in a projected net loss of an additional \$790,000.00.

After reviewing the maintenance problems of the facility as well as avenues of explorations engaged in by the administration in seeking alternative solutions to the operation of a county jail, Kimmich presented the court with three options for consideration:

**Option I**

Repeal the resolution to close the Grant County Detention Center and advise Department of Corrections of the intent of the fiscal court to return to the operation of a full service jail operation and begin housing both other county and state inmates. The revenue provided in this scenario only serves to bolster the financial operation of the facility if the Jailer maintains a level of not less than 255 out of county inmates at all times. Further, it is recommended that if Option I is employed, that the Fiscal Court, by Ordinance Create a Grant County Jail Commission, consisting of 3 members appointed by the Judge/Executive with the consent of the court, to serve as a sounding board and independent oversight advisory panel to the court, similar to what would exist in a regional jail concept.

Finally, it is recommended that if the Fiscal Court chooses this option that the Fiscal Court authorize the County Judge/Executive to advertise without delay for a Facilities Manager who would have oversight responsibilities for all county facilities and report the condition of each on a monthly basis to the Fiscal Court after completion of an annual work plan to be approved by the court with measurable goals and objectives can be measured to insure that that no county facility, the detention center in particular, does not fall into disrepair in the future. This position is not funded in the estimated cost as it is recommended this individual report to the Judge/Executive and to the Fiscal Court.

All options assume the fiscal court continues to account for the debt service for the detention center in the detention center component of the budget for purposes of transparency in spending.

**Cost of Option I**

Estimated cost	\$4,112,462.00	Revenue	\$3,462,807.00	Loss of	\$649,655.00
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**Option II**

Repeal the resolution closing the Grant County Detention Center and proceed in a plan to moth ball those quadrants of the facility not essential to the operation of a full service county jail, with no housing of out of county or state inmates. In this case the recommendations for a Jail Commission and Facilities Manager remain intact.

**Cost of Option II**

Estimated cost	\$2,395,813.00	Revenue	\$265,687.00	Loss of	\$2,130,126.00
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**Option III**

Allow the resolution to remain intact, proceed in closure of the Jail and housing all inmates in other counties by contractual agreement.

Estimated cost	\$2,130,713.00	Revenue	\$125,000.00.	Loss of	\$2,005,713.00
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Magistrate Newman said he has real problems with this situation because for 20 months the Fiscal Court has been trying to reach a consensus on the jail issues and continues to face roadblocks and lack of cooperation from the detention center. He said he was really frustrated with the situation the court finds itself in and does not really like the idea of being asked to vote

on this issue under these conditions.

Judge Wood advised there were two residents seeking recognition in the audience but was advised since this is a Special Meeting and there was no citizens address provided for in the preparation of the special call, nothing can be added to the agenda. Judge Wood expressed his apology to the two individuals seeking recognition.

Magistrate Riley said she is prepared to rescind Resolution 16-10, get up to speed on a running a full service jail, and move forward.

Mrs. Riley said she had concerns about the action plan that had been submitted. She questioned whether it would still be necessary to declare an emergency to approve the HVAC and plumbing problems at the detention center.

Deputy Judge Kimmich advised that the Jailer had sought proposals for the HVAC and this work could proceed without the declaration of an emergency. However, the plumbing, because of the time that would be required to the formal bid process, three to four weeks, the plumbing would require the declaration of an emergency as this is the only process that can get the work underway in time to meet the state closure deadline and to begin receiving state inmates.

Mrs. Riley questioned whether anyone had examined the potential for salvaging plumbing parts from the Kenton County Jail and was advised this had not occurred. Mrs. Riley expressed frustration in that this issue was raised two weeks ago and the Jailer has not acted on the request. She said this is a reflection of the lack of cooperation the court continues to face at the detention center.

Mrs. Riley stated she is strongly in favor of creating a Jail Commission, as recommended by the Judge/Executive, to assist in working to evaluate and resolve differences with the jailer. However, she said she wanted to go on the record in strong opposition to the setting of a salary of \$38,000 for the facilities manager for the county. She said this amount was in excess of what we pay deputy sheriffs and other employees in the county and she did not think it would be fair.

Deputy Judge Kimmich said the amount had been placed there as a place holder and that there is already an established county budget line item for this position.

Magistrate Coldiron said she could approve an option but was not prepared to adopt a specific action plan to achieve the goals of the option. She said there are issues in the action plan that need to be looked at and evaluated before she would be willing to approve that.

Mr. Newman said he has been talking to a lot of people in the county and they are just plain tired of what has become a political circus surrounding the jail. He said it is time for the court to take action, set a course and move forward. He said for anything to work it is going to require a strong working relationship between the jailer and the court and he certainly hopes that now all parties can work together to resolve the problems that have been going on at the jail for years.

Magistrate Bobby Newman moved approval of Option 1 of the plan submitted by the Deputy Judge and Magistrate Coldiron seconded the motion. There being no further discussion on the motion, Judge Wood called on the Deputy Judge/Fiscal Court Clerk to call the roll and all members present voted in the affirmative.

Magistrate Riley moved to accept the HVAC repair proposal of Perkins Service in the amount of

\$32,925.00. Judge Wood seconded the motion and directed the Deputy Judge/Fiscal Court Clerk to call the roll whereupon all members present voted in the affirmative.

Judge Wood requested a motion to enter Executive Session pursuant to KRS 61.810.

Mayor Jimmy Wells, a guest in the audience questioned the section and paragraph and was advised that information was forthcoming. Deputy Judge Kimmich advised the court would be retiring the executive session pursuant to KRS 61.810 (1) (c) which is to discuss pending or threatened litigation against the county.

Magistrate Coldiron moved to go into executive session pursuant to KRS 61.810 (1) (c) and Judge Wood seconded the motion. Judge Wood directed the Deputy Judge/Fiscal Court Clerk to call the roll whereupon all members present voted in the affirmative.

The Court returned to the courtroom and a motion was made by Magistrate Coldiron to reconvene in open session and Judge Wood seconded the motion. Judge Wood directed the Deputy Judge/Fiscal Court Clerk to call the roll whereupon all members present voted in the affirmative. (Magistrate Newman was not present for the vote)

### **Adjournment**

Magistrate Coldiron moved adjournment and Magistrate Riley seconded the motion. Judge Wood declared the meeting adjourned on a voice vote.

Signed:



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Stephen P. Wood

Grant County Judge/Executive