

**Western Virginia Regional Jail Authority  
Action Agenda**

**January 8, 2009, 9:00 a.m.**

**Roanoke County Administration Center  
5204 Bernard Drive  
Roanoke, Virginia 24016**

**A. CALL TO ORDER**

1. Introduction and Roll Call – Gerald Holt

*Chairman Holt called the regularly scheduled meeting to order at 9:30 a.m.*

*Members present: James E. Taliaferro, II; Jane Johnson; Eric A. Atkins; Frank Turk; Randy Foley; Keith Mucha; Christopher L. Whitlow; Charles D. Wagner; Ewell Hunt; Vicky Meadors; B. Clay Goodman; Doug W. Marrs; Carol Edmonds; Robert L. Hall; John M. Chambliss, Jr.; Michael Altizer; Gerald S. Holt; Diane D. Hyatt; Michael G. Winston*

*Members absent: Richard E. Huff, II; Wayne Angell; James T. Whitt; Gary Creed; Joseph B. Church*

*Others in attendance: Jim Guynn, Elizabeth Dillon, Charlie Poff, Bobby Russell, Mary Brandt, Brad Spain.*

**B. OATH AND SWEARING IN OF AUTHORITY MEMBERS**

***Clerk's Note: The swearing in of the Board members and the election of officers took place at 9 a.m. prior to the start of the regularly scheduled meeting.***

*Mr. Guynn, counsel for the Authority, advised that Judge William D. Broadhurst, of the Twenty-third District Court, was present to administer the oath and swear in the members present for their new terms of office which began January 1, 2009, and will end December 31, 2009.*

**C. ELECTION OF OFFICERS**

*Mr. Guynn opened the floor for nominations for Chairman. Mr. Wagner nominated Gerald Holt. The nomination was seconded by Mr. Goodman and carried by unanimous voice vote.*

*Mr. Guynn turned the meeting over to Chairman Holt who opened the floor for nominations for the remaining officers after the clerk called the roll.*

*Mr. Taliaferro nominated John Chambliss as Vice-Chair. Ms. Johnson seconded the nomination which was carried by unanimous voice vote.*

*Mr. Hunt nominated Chris Whitlow as Secretary. Mr. Chambliss seconded the nomination which was carried by unanimous voice vote.*

*Mr. Whitlow nominated Diane Hyatt as Treasurer. Mr. Altizer seconded the nomination which was carried by unanimous voice vote.*

**D. REQUESTS TO POSTPONE, ADD TO, OR CHANGE THE ORDER OF AGENDA ITEMS**

*There were none.*

**E. APPROVAL OF MINUTES**

1. December 4, 2008

*Mr. Marrs motion to approve the minutes. Mr. Altizer seconded the motion which was approved by unanimous voice vote.*

2. December 23, 2008

*Mr. Altizer motion to approve the minutes. Mr. Whitlow seconded the motion which was approved by unanimous voice vote.*

**F. REPORTS & BRIEFINGS**

1. Financial Reports for the month of November 2008 – Cheri Lankford

*Ms. Lankford reported that the current cash balance is \$38,754,099. The construction costs as of the November 30, 2008, totaled \$6,191,628 and operating expenses totaled \$1,763,937.*

2. Superintendent's Report – Charlie Poff
  - a. Project Update
  - b. State Construction Reimbursement
  - c. Transition Team Update

*Mr. Poff introduced Mary V. Brandt as the regional jail's new administrative secretary and advised that she would also be serving as the clerk to the Authority.*

*Project Update. Mr. Poff advised that construction on the project is now in its 640<sup>th</sup> day and that there are approximately 60 days left until the scheduled completion date of March 9, 2009. He reported that there are now approximately 160 to 180 workers on site each day. He advised that the electrical contractor has increased his work force to 60 and will begin working a schedule of six 12-hour days per week, adding that an evening shift will be added if necessary to remain on schedule. He reported that the work on the lower levels of the pod control rooms should be completed this week and that electrical work continues in the program*

areas. He reported that the emergency generators were scheduled to be tested January 7, 2009, but the test has been rescheduled to January 19, 2009, due to the weather.

Mr. Poff reported that Brooks Ballard, Department of Corrections, is scheduled to be on site January 21, 2009, for an inspection and that she will return in February for the final inspection. He noted that Ms. Ballard will soon be conducting the smoke test with the assistance of the Roanoke County Fire Department.

Mr. Poff reported that Acorn Vac representatives will be on site January 12, 2009, to start up and test the vacuum plumbing system and train the maintenance staff. He advised that they are scheduled to be on site for approximately two to three weeks and will remain until the system is operating correctly.

Mr. Poff advised that the security detention contractor has installed the majority of the cell locks and is currently working on the electrical sliders. He added that the contractor will continue working in each area as they become ready. He reported that wiring is being pulled; and when the security racks arrive on site within the next two weeks, the contractor will start installing the components in the control room.

Mr. Poff advised that the administrative area is almost complete and has been inspected. He reported that work on the punch list items was continuing, the furniture would be delivered within the week, and that once the doors were delivered and installed, the area would be essentially complete. He advised that he had asked for this area to be completed early and that he hoped to move staff into the facility by the beginning of February 2009.

Mr. Poff advised that the intake area is substantially complete with the exception of the countertops, the doors leading into the sallyport, and the sliders leading into the female holding area. He reported that these items should be completed within two to three weeks. He added that the kitchen contractor is back on site this week and has installed the second dishwasher as well as the pantry and some of the smaller items in the kitchen. He stated that the washers are scheduled to be delivered January 15, 2009, and contractor will arrive shortly thereafter to install them.

Mr. Poff advised that the second basic academy was into its sixth week and that it is going very well. He reported that there are forty-four officers in this academy and eight deputies from Montgomery and Roanoke County that will come to the jail at a later date. He added that graduation will take place February 12, 2009. He advised that the National Institute of Corrections (NIC) will be sending someone to conduct jail classification training on February 2 and 3. He added that if the localities would like to send staff to take part in this training, they are welcome to do so.

State Construction Reimbursement. Mr. Poff reviewed the impact of the governor's decision to eliminate the state's portion of \$11 million in construction reimbursement funds on the capital fund. He reported that in response to this action, he has written letters to the legislators for our area and met with the majority of them. He added that he would meet with the remaining legislators Monday adding that the legislators were very concerned about the cut in funding

*and willing to work to have the funding restored. He reported that they are working to remove the budget language that eliminated the funding. He added that this funding is financed by bond and will have no impact on the state's budget. He stated that the Authority is only asking for the funds it was promised and for which the Authority has already incurred debt. He added that he is asking the state to honor its obligation and that he will work hard and do everything he can to restore this funding.*

*Transition Team Update. Mr. Russell reported that the radio system has been installed, although a few antennas remain to be installed. He reported that progress continues on the installation of the inmate visitation equipment in the member localities as well as at the regional jail. He stated that the cable installation will be finished on January 23, 2009, but the phones will be installed at a later date once the area is secure. He reported that the food service administrator came to the site and toured the facility. He noted that they will begin training their staff on February 23, 2009. He added that the vendor for the medical services is conducting interviews and hiring employees.*

*Mr. Russell advised that the jail management system (JMS) is being implemented and administrator training will begin January 21, and officer training will begin on February 2, 2009. He reported that a vendor has been selected for the commissary, and the contract is being negotiated by the Authority's counsel. He stated that the gateway and internet network structure is being completed by Verizon. He noted that the connections are 90 percent complete and will be finished by January 23, 2009. He reported that the jail's policies and procedures are complete with the exception of those pertaining to the JMS; those still need to be finalized. He added that the Fire Marshall will perform a walk through next week.*

*Mr. Russell advised that the certified officers from the previous academy are assigned to the localities for additional training. He reported that they are scheduled to return to the regional jail for JMS training on January 26. He stated that he will provide a schedule to the localities soon. He reported that staff is finalizing weapons plans and preparing for weapons training. He stated that the remaining officers working in the localities will return when the inmates are transferred to the facility. He added that the vehicles have been ordered and that two transport vehicles are already on site with the remainder scheduled to arrive soon. He reported that there are three positions open and that the jail has received 49 applications since December 1. He added that 51 individuals have taken the written test and 20 more are scheduled to take it today. He stated that there are 11 Department of Corrections officers that are scheduled to make the transition with two weeks of training.*

## **G. NEW BUSINESS**

1. Request to approve meeting dates for calendar year 2009 – Charlie Poff, Superintendent

*In response to an inquiry from Mr. Altizer, Mr. Poff advised that the Authority could begin holding its Board meetings at the regional jail once the facility opens, and he added that the meeting schedule may be reviewed at that time as well.*

*Mr. Taliaferro motion to approve the meeting dates for 2009. Mr. Altizer seconded the motion which was approved by unanimous voice vote.*

2. Request to approve a resolution to the General Assembly to fund the State's share of additional construction costs – Charlie Poff, Superintendent

*Mr. Poff advised that the Board of Corrections had approved the Authority's second request for construction reimbursement funds but that the Governor has eliminated the funding from his current budget. He added that he has been working with the legislators in this area to have that funding restored and that this resolution is in support of that request.*

*The clerk was asked to read the resolution into the record. Mr. Marrs requested that the resolution be amended to state that the Authority followed the necessary procedures precisely to the standards set by the Commonwealth of Virginia Board of Corrections and received periodic approval throughout the construction project.*

*Motion was made by Mr. Marrs to adopt the resolution as amended. Mr. Altizer seconded the motion which was approved by unanimous voice vote.*

**RESOLUTION AUTHORIZING A REQUEST TO THE VIRGINIA GENERAL ASSEMBLY TO  
FUND THE STATE'S SHARE OF ADDITIONAL CONSTRUCTION COSTS FOR THE  
WESTERN VIRGINIA REGIONAL JAIL**

**WHEREAS**, the Western Virginia Regional Jail Authority has received an exemption from the moratorium on funding for reimbursement of the construction of the Western Virginia Regional Jail and their Community-Based Correctional Plan and Planning Study was approved by the Board of Corrections in 2005; and

**WHEREAS**, the original amount of eligible costs approved by the Board of Corrections was \$70,953,615.; and

**WHEREAS**, the contract amount for the construction was considerably higher than anticipated due to the increased costs of copper, steel, concrete, etc.; and

**WHEREAS**, the amount of building costs was estimated by the architect based on the Commonwealth of Virginia Board of Corrections Standards for Planning, Design, Construction and Reimbursement of Local Correctional Facilities, Standard 2.11; and

**WHEREAS**, the Western Virginia Regional Jail followed the necessary procedures precisely to the standards set by the Commonwealth of Virginia Board of Corrections Standards for Planning, Design, Construction and Reimbursement of Local Correctional Facilities, Standard 2.11, receiving periodic approval throughout the construction project; and

**WHEREAS**, the lowest proposed cost for which the contract was accepted to build the Western Virginia Regional Jail with a rated capacity of 605, which increased the anticipated cost of the entire construction project; and

**WHEREAS**, the 2008 Appropriations Act of the General Assembly includes language in Item 384 which authorizes the Board of Corrections to make adjustments to previously approved project funding levels for construction projects, which had been based on planning study estimates, to conform to the actual contract costs; and

**WHEREAS**, the Western Virginia Regional Jail Authority has issued bonds for their share of the total project cost and short term notes for the state's share of eligible reimbursable costs; and

**WHEREAS**, on September 17, 2008, the Board of Corrections approved additional state construction reimbursement of \$11,330,023, or 50% of eligible costs of \$22,660,047; and

**WHEREAS**, language in Item 280, page 285, lines 55-58, states " The total reimbursement for the Western Virginia Regional Jail shall not exceed the amount approved by the Board of Corrections at its meeting on August 31, 2005", (House Document 1), specifically eliminating the additional state construction reimbursement of \$11,330,023.

**NOW THEREFORE, BE IT RESOLVED** that the Western Virginia Regional Jail Authority hereby requests that the language eliminating the jail's \$11,330,023 in reimbursement be stricken from House Document 1, Item 280, Page 285, Lines 55-58, and the amounts authorized by the Board of Corrections for reimbursement through the normal and appropriate channels be honored. The elimination of such reimbursement is a fundamental change in policy as to how the Commonwealth reimburses regional jail facilities for its share of the approved construction costs. To the extent the Commonwealth wishes to alter its policy, it should grandfather-in regional authorities who have issued debt for the Commonwealth's share, as the Commonwealth has sufficient debt capacity to honor its commitment.

3. Request to adopt Employee Grievance Procedures – Charlie Poff, Superintendent

*Mr. Poff gave a brief overview of the procedure noting that the Human Resources Committee had met twice on this subject and made recommendations for improvements. He stated that the purpose of the policy is to ensure that employees are treated fairly in all matters related to their employment. He added that this is a formal procedure to resolve any employee complaints. He added that this policy parallels those of Roanoke County and the City of Salem. He reported that employees who will be covered by the policy are non-probationary, full-time and part-time employees who have worked for the jail for six months. He reviewed the six-steps or levels of the process. He advised that the decision rendered by the panel in the last step of the process will be final, and the hearing will be closed to the public. He added that the employee may have someone represent him during the process. He asked if there were any questions.*

*In response to an inquiry, Mr. Guynn advised that the policy did not apply to the Superintendent as he is an "at will" employee. He also noted that the job descriptions describe in greater detail how and when an employee is covered by this policy.*

*Motion was made by Mr. Taliaferro to adopt the Employee Grievance Procedure. Mr. Marrs seconded the motion which was approved by unanimous voice vote.*

4. Request to appropriate \$485,080 for the purchase of 11.8 acres of land  
– Charlie Poff, Superintendent

*Mr. Poff advised that at the recent special meeting, the Authority authorized the purchase of 11.8 acres of land but did not appropriate the funds. He reported that this action will*

*appropriate the funds to complete the purchase and authorizes the Authority's counsel to complete the transaction. There was no discussion on this item.*

*Motion was made by Mr. Taliaferro to appropriate \$485,080 for the purchase of 11.8 acres of land. Mr. Atkins seconded the motion which was approved by unanimous roll call.*

*AYES: Mr. Taliaferro, Ms. Johnson, Mr. Atkins, Mr. Whitlow, Mr. Wagner, Mr. Hunt, Mr. Goodman, Mr. Marrs, Mr. Hall, Mr. Chambliss, Mr. Altizer, Mr. Holt*

*NAYS: None*

5. Request to appropriate \$184,562 for Change Order Number 17 – Jay Taliaferro, Building Committee Chair, and Charlie Poff, Superintendent

*Mr. Taliaferro advised that staff is in the process of wrapping up the change orders and that this change order will be applied against the contractor's amount. He reported that this change order is for various smaller items and that there will be similar change orders over the next few months.*

*Mr. Poff added that these items need to be cleared out as the project is completed. He reported that Brad Spain will shortly be discussing the project's balances with the Board. He noted that a substantial amount of the electrical work is being completed on a cost plus basis. There was no discussion on this item.*

*Motion was made by Mr. Taliaferro to appropriate \$184,562 for Change Order Number 17. Mr. Chambliss seconded the motion which was approved by unanimous roll call.*

*AYES: Mr. Taliaferro, Ms. Johnson, Mr. Atkins, Mr. Whitlow, Mr. Wagner, Mr. Hunt, Mr. Goodman, Mr. Marrs, Mr. Hall, Mr. Chambliss, Mr. Altizer, Mr. Holt*

*NAYS: None*

6. Request to appropriate \$84,000 for Change Order Number 18 from private contingency – Jay Taliaferro, Building Committee Chair, and Charlie Poff, Superintendent

*Mr. Taliaferro advised that this change order will be applied against the contractor's private contingency. He stated that these are funds that the Authority set aside for the contractor to use to address unforeseen circumstances such as an increase in the price of fuel for example. He stated that because the Authority received such a good price during negotiations with the contractor, this amount was included to assist the contractor with any unforeseen issues. He noted that Brad Spain has reviewed the requests and is satisfied with them. There was no discussion on this item.*

*Motion was made by Mr. Taliaferro to appropriate \$84,000 for Change Order Number 18 from private contingency. Ms. Johnson seconded the motion which was approved by unanimous roll call.*

*AYES: Mr. Taliaferro, Ms. Johnson, Mr. Atkins, Mr. Whitlow, Mr. Wagner, Mr. Hunt, Mr. Goodman, Mr. Marrs, Mr. Hall, Mr. Chambliss, Mr. Altizer, Mr. Holt*

*NAYS: None*

- 7. Request to adopt fiscal year 2010 budget – Cheri Lankford, Business Manager, Diane Hyatt, Chairman of Finance Committee, and Charlie Poff, Superintendent*

*Mr. Poff advised that staff began developing the budget estimate with information available at the time. He noted that staff has received some comments from one of the jurisdictions regarding the computation of the average daily population for their locality. He added that he would be glad to answer any questions following the presentation of the budget.*

*Ms. Lankford advised that the Authority is required to present the budget prior to January 15 of each year. She reported that included in the agenda packet is a copy of a memo from the Superintendent and a copy of the proposed budget. She reviewed the preliminary operating budget and the expenses which she noted had been scaled back due to the difficult economic times. She reported that this has been accomplished by eliminating an annual raise and by hiring employees at the minimum salary. She reported that additional savings were derived from training, travel, and other small line items.*

*Ms. Lankford reviewed the jail's population figures. She reported that these figures were based on the average daily populations for the localities. She reported that the non-member cost was based on what the market would support. This budget also assumed that 75 percent of the beds will be state-responsible beds.*

*Ms. Lankford reviewed the revenue section which includes the 7 percent reduction in salary from the Compensation Board and the 7 percent reduction in the per diem. She reported that this section includes the VA risk premiums which were formerly paid by the state. She advised that the per bed non-member cost is now \$35. She reported that this price is roughly in-line with what other localities are charging and that the non-member cost for beds is justified by the level of security provided as well as the in-house medical which is included. She noted that the balance forward is \$1.6 million which incorporates the savings garnered through the recent hiring decisions; however, she noted that those savings are not recurring savings. She reviewed the per diem cost of \$20 for the localities as compared to the consultant's initial predictions. She noted that the per diem figures were prepared based on the estimated average daily populations but that the localities would be billed on the actual daily populations.*

*Ms. Lankford noted that budgetary concerns were that the Governor would make additional cuts or that the state would take the jail's beds which will limit the jail's ability to sell them. She concluded that certain costs such as utilities were of necessity estimated.*

*Ms. Hyatt reviewed the bond budget. She reported that the member jurisdictions pay the operating costs on a per diem basis and that this year the localities will begin paying on a quarterly basis for the debt component of the cost. This portion will have payments of \$3.5 million and is broken out by how much each locality will pay. The other portion that may change slightly is due to our original projection that the state would have paid the Authority by June 1 in order to retire the note so that has been extended until September 1, 2009, in case the state does not make the payment by June 1. She stated that there is an outstanding subsidiary note which is not a part of the budget at this time, but is available if the Authority needs to borrow any additional funds.*

*Mr. Poff noted that he approves all expenditures and that staff is making every effort to hold costs down.*

*Mr. Goodman advised that it was Montgomery County which had questioned how the average daily population figures had been computed. He advised that he felt the figures for Montgomery County were high and that he and Mr. Hall had discussed those figures with the Superintendent and with the Finance Committee. He added that if Montgomery County's figures were correct, the budget will be off by \$261,000. He reported that based on historical data, his figures were correct.*

*There was a general discussion of how the average daily populations were computed, what the effect a shortfall would have on the budget if those computations were incorrect, and how it would be dealt with.*

*Mr. Poff noted that Montgomery County will be renovating its jail soon and inquired if that had been taken into account when Montgomery County had computed its figures. Mr. Hall reviewed how he anticipated handling the renovations of his locality's jail and the possible impact that would have on the inmate population.*

*Mr. Goodman inquired if approval of the budget could be delayed in order to hold a meeting with the Finance Committee to further discuss the matter, and Mr. Poff responded that he was open to direction from the Board.*

*Mr. Chambliss advised that as a parallel illustration, for the juvenile detention facility in Roanoke County, staff had likewise prepared proportional projections for planning purposes for each locality and that the actual figures were significantly below those projections. He added that in that situation, staff adjusted the number of employees down the road which impacted the expenditures. He added that it is all a guessing game at this point and with the state planning on closing facilities, a potential shortfall should not be a pressing concern and will not have a great effect on the per diem rate for the localities. He advised that he did not feel that this should require a delay in approving the budget.*

*Motion was made by Mr. Altizer to adopt the fiscal year 2010 budget. Mr. Taliaferro seconded the motion which was approved by unanimous roll call.*

AYES: Mr. Taliaferro, Ms. Johnson, Mr. Atkins, Mr. Whitlow, Mr. Wagner, Mr. Hunt, Mr. Goodman, Mr. Marrs, Mr. Hall, Mr. Chambliss, Mr. Altizer, Mr. Holt

NAYS: None

## **H. RECESS**

*The Chairman declared a recess from 10:28 a.m. to 10:36 a.m.*

## **I. CITIZENS' COMMENTS AND COMMUNICATIONS**

*There were none.*

## **J. REPORTS AND INQUIRIES OF AUTHORITY MEMBERS**

*In response to an inquiry from Ms. Hyatt, Mr. Guynn reviewed the procedures for handling Statements of Economic Interest.*

*Mr. Chambliss encouraged members of the Board to actively participate in lobbying the General Assembly to restore the funding eliminated by the Governor.*

*Mr. Hall suggested that the localities work with the regional jail to make the most effective use of the regional jail's purchasing power. Mr. Russell advised that this has already taken into consideration and implemented.*

*Mr. Goodman inquired if there have been any further discussions on how medical services will be handled. Mr. Poff advised that this was covered by the service agreement and that he would be glad to meet to review the matter further.*

*Mr. Wagner reported that there was an editorial in the Roanoke Times recently that criticized the Authority and that he wanted to express to the Authority that he felt the editorial was incorrect. Mr. Holt responded that the request for additional funds was not a result of cost overruns based on his understanding of what a cost overrun is. He stated that the project's initial projections in 2005 were developed using the Department of Corrections own guidelines and that the Authority followed the approved process each step of the way.*

*Mr. Poff advised that the Authority utilized the same process followed by all regional jails. He stated that the Department of Corrections approved the project at each step in the process and that the Authority merely requested a correction based on current market conditions. Mr. Hall advised that the citizens think that the \$22 million is over what the contractor said the project would cost. Mr. Holt advised that if it was the consensus of the Board, he would like it reflected in the minutes that the articles and editorials in the Roanoke Times were incorrect, that there were no cost overruns on the project, and that as a result of these articles and editorials, the public has been misinformed.*

*Mr. Poff was directed to prepare a fact sheet detailing a history of the project and post it on the jail's website.*

*Mr. Holt advised that he had arranged a tour of the regional jail on January 30, 2009, for the local judges and commonwealth attorneys. He added that if there were any other interested parties, they would be welcome to participate.*

**K. REPORT OF STANDING COMMITTEES**

1. Administration

*There was none.*

2. Finance

*Ms. Hyatt advised that the committee had met twice in the last month to prepare the proposed budget.*

3. Building and Property

*Mr. Spain reviewed the monthly summary report of change order items. He reported that staff is in the process of closing out the remainder of the change order items. He added that there is a commissioning process to close out the project but that he did not anticipate any challenges as a result of that. Mr. Poff advised that he was meeting regularly with the contractor to promptly deal with any issues that arose.*

4. Human Resources

*There was none.*

5. Operations

*There was none.*

**L. ADJOURNMENT**

*The meeting was adjourned at 11:00 a.m.*

*(Next meeting date: February 5, 2009, at 9 a.m. at the Roanoke County Administration Center at 5204 Bernard Drive, Roanoke, Virginia)*

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Christopher Whitlow, Secretary