

Agency Summary And Certification

437 -- Public Defense Commission

OCT 31 2016

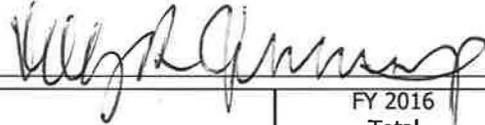
Original Submission ___ or Rev No. 1

FY2018 Request

Page ___ of ___ Pages

In accordance with 67-3503, Idaho Code, I certify the attached forms properly state the receipts and expenditures of the department (agency, office, or institution) for the fiscal years indicated. The summary of expenditures by major program, fund source, and standard class is indicated below.

Signature of Department Director :



Date:

10/31/16

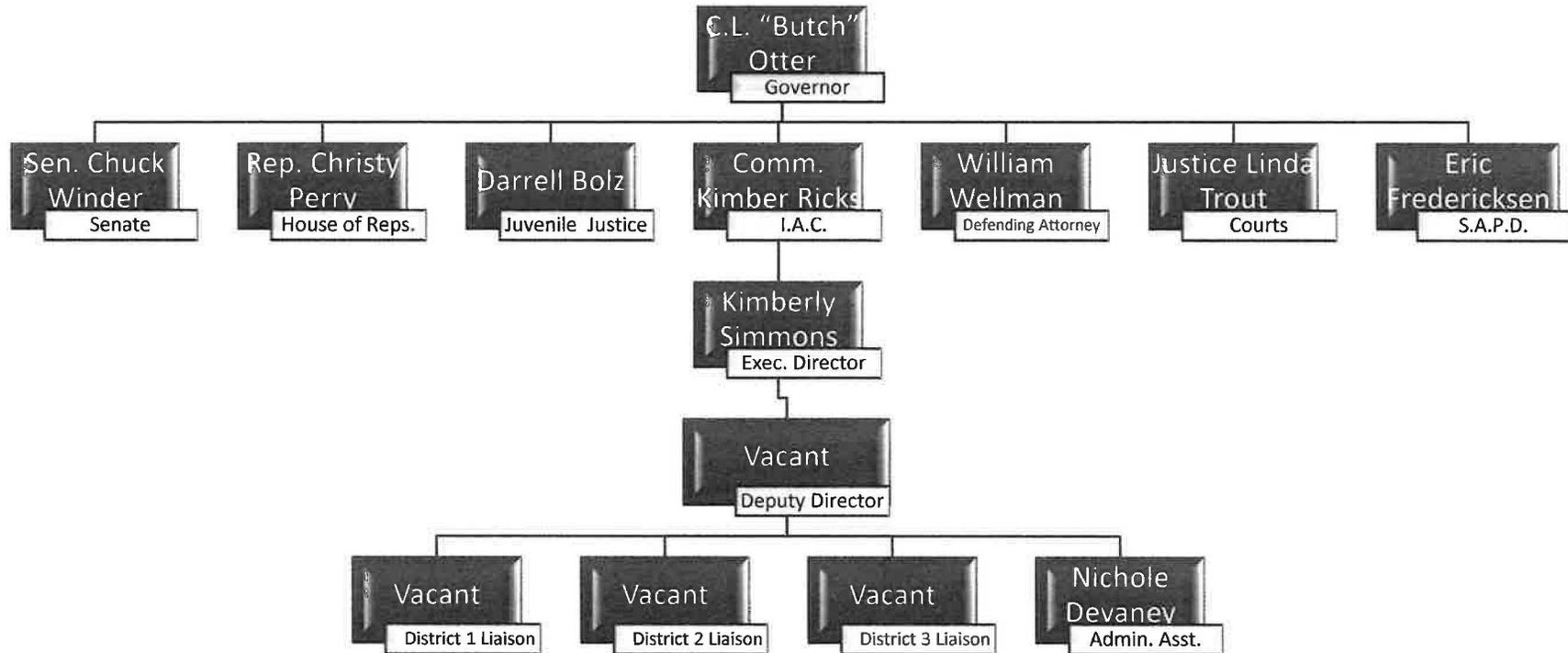
Function/Activity	FY 2016 Total Appropriation	FY 2016 Total Expenditures	FY 2017 Original Appropriation	FY 2017 Estimated Expenditures	FY 2018 Total Request
Public Defense Commission	304,300	206,000	5,796,900	5,796,900	5,851,000
Total	304,300	206,000	5,796,900	5,796,900	5,851,000
By Fund Source	Total Appropriation	Actual Expenditures	Original Appropriation	Estimated Expenditures	Total Request
G 0001-00 General Revenue Fund	304,300	206,000	5,796,900	5,796,900	5,851,000
Total	304,300	206,000	5,796,900	5,796,900	5,851,000
By Object	Total Appropriation	Actual Expenditures	Original Appropriation	Estimated Expenditures	Total Request
Personnel Costs	124,100	56,700	501,400	501,400	538,200
Operating Expenditures	70,200	129,900	215,600	315,600	246,300
Capital Outlay	0	19,400	13,400	13,400	0
Trustee And Benefit Payments	110,000	0	5,066,500	4,966,500	5,066,500
Lump Sum	0	0	0	0	0
Total	304,300	206,000	5,796,900	5,796,900	5,851,000
FTP Total	1.50	1.50	6.00	6.00	6.00

FY 2018 Agency Budget - Request**Line Item Report****Agency: 437 Public Defense Commission**

Decision Unit	Priority	Agency Request		
		FTP	General	Total
Public Defense Commission				
12.01 Salary Parity	0	0.00	29,600	29,600
		0.00	29,600	29,600

State Public Defense Commission

Organizational Chart



Total FTP: 6.0

Total Vacant: 4.0

FY 2018 Agency Budget - Request

Detail Report

Agency: 437 - Public Defense Commission

Function: 01 - Public Defense Commission

		FTP	Personnel Cost	Operating Expense	Capital Outlay	Trustee/Benefit	Lump Sum	Total
FY 2016 Total Appropriation								
1.00 FY 2016 Total Appropriation								
SB 1145								
0001-00	General	1.50	124,100	70,200	0	110,000	0	304,300
Total		1.50	124,100	70,200	0	110,000	0	304,300
1.21 Net Object Transfers								
0001-00	General	0.00	(34,300)	64,900	19,400	(50,000)	0	0
Total		0.00	(34,300)	64,900	19,400	(50,000)	0	0
1.61 Reverted Appropriation Balances								
0001-00	General	0.00	(33,100)	(5,200)	0	(60,000)	0	(98,300)
Total		0.00	(33,100)	(5,200)	0	(60,000)	0	(98,300)
FY 2016 Actual Expenditures								
0001-00	General	1.50	56,700	129,900	19,400	0	0	206,000
Total		1.50	56,700	129,900	19,400	0	0	206,000
FY 2017 Original Appropriation								
3.00 FY 2017 Original Appropriation								
HB 578, HB 609								
0001-00	General	6.00	497,300	215,600	0	5,066,500	0	5,779,400
OT 0001-00	General	0.00	4,100	0	13,400	0	0	17,500
Total		6.00	501,400	215,600	13,400	5,066,500	0	5,796,900
Appropriation Adjustments								
4.31 Object Transfer from Trustee/Benefit to Operating Expenditures								
This decision unit represents a one-time object transfer from trustee/benefit to operating expenditures for Boise State University work study to collect Idaho-specific defense workload data from counties across the state.								
OT 0001-00	General	0.00	0	100,000	0	(100,000)	0	0
Total		0.00	0	100,000	0	(100,000)	0	0
FY 2017 Total Appropriation								
0001-00	General	6.00	497,300	215,600	0	5,066,500	0	5,779,400
OT 0001-00	General	0.00	4,100	100,000	13,400	(100,000)	0	17,500
Total		6.00	501,400	315,600	13,400	4,966,500	0	5,796,900
FY 2017 Estimated Expenditures								
0001-00	General	6.00	497,300	215,600	0	5,066,500	0	5,779,400
OT 0001-00	General	0.00	4,100	100,000	13,400	(100,000)	0	17,500
Total		6.00	501,400	315,600	13,400	4,966,500	0	5,796,900

FY 2018 Agency Budget - Request

Detail Report

Agency: 437 - Public Defense Commission

Function: 01 - Public Defense Commission

		<u>FTP</u>	<u>Personnel Cost</u>	<u>Operating Expense</u>	<u>Capital Outlay</u>	<u>Trustee/ Benefit</u>	<u>Lump Sum</u>	<u>Total</u>
Base Adjustments								
8.41	Removal of One-Time Expenditures							
OT	0001-00 General	0.00	(4,100)	(100,000)	(13,400)	100,000	0	(17,500)
	Total	0.00	(4,100)	(100,000)	(13,400)	100,000	0	(17,500)
FY 2018 Base								
	0001-00 General	6.00	497,300	215,600	0	5,066,500	0	5,779,400
OT	0001-00 General	0.00	0	0	0	0	0	0
	Total	6.00	497,300	215,600	0	5,066,500	0	5,779,400
Program Maintenance								
10.11	Change in Health Benefit Costs							
0001-00	General	0.00	7,300	0	0	0	0	7,300
	Total	0.00	7,300	0	0	0	0	7,300
10.12	Change in Variable Benefit Costs							
0001-00	General	0.00	(200)	0	0	0	0	(200)
	Total	0.00	(200)	0	0	0	0	(200)
10.41	Attorney General Fees							
0001-00	General	0.00	0	30,300	0	0	0	30,300
	Total	0.00	0	30,300	0	0	0	30,300
10.45	Risk Management Cost Increases							
0001-00	General	0.00	0	300	0	0	0	300
	Total	0.00	0	300	0	0	0	300
10.47	Treasurer's Fee Charge							
0001-00	General	0.00	0	100	0	0	0	100
	Total	0.00	0	100	0	0	0	100
10.61	Salary Multiplier - Regular Employees							
0001-00	General	0.00	4,200	0	0	0	0	4,200
	Total	0.00	4,200	0	0	0	0	4,200
FY 2018 Total Maintenance								
	0001-00 General	6.00	508,600	246,300	0	5,066,500	0	5,821,400
OT	0001-00 General	0.00	0	0	0	0	0	0
	Total	6.00	508,600	246,300	0	5,066,500	0	5,821,400

FY 2018 Agency Budget - Request

Detail Report

Agency: 437 - Public Defense Commission

Function: 01 - Public Defense Commission

		<u>FTP</u>	<u>Personnel Cost</u>	<u>Operating Expense</u>	<u>Capital Outlay</u>	<u>Trustee/ Benefit</u>	<u>Lump Sum</u>	<u>Total</u>
Line Items								
12.01 Salary Parity								
This decision unit request represents establishing salary parity with like agency director and deputy director compensation.								
0001-00	General	0.00	29,600	0	0	0	0	29,600
Total		0.00	29,600	0	0	0	0	29,600
FY 2018 Total								
0001-00	General	6.00	538,200	246,300	0	5,066,500	0	5,851,000
OT 0001-00	General	0.00	0	0	0	0	0	0
Total		6.00	538,200	246,300	0	5,066,500	0	5,851,000

FY 2018 Executive Budget - History

DU Category Detail

DU Category: 1.00

		<u>FTP</u>	<u>Personnel Cost</u>	<u>Operating Expense</u>	<u>Capital Outlay</u>	<u>Trustee/ Benefit</u>	<u>Lump Sum</u>	<u>Total</u>
Agency: 437 - Public Defense Commission								
Function: 01 - Public Defense Commission								
1.00 FY 2016 Total Appropriation								
SB 1145								
0001-00	General	1.50	124,100	70,200	0	110,000	0	304,300
	Total	1.50	124,100	70,200	0	110,000	0	304,300
1.21 Net Object Transfers								
0001-00	General	0.00	(34,300)	64,900	19,400	(50,000)	0	0
	Total	0.00	(34,300)	64,900	19,400	(50,000)	0	0
1.61 Reverted Appropriation Balances								
0001-00	General	0.00	(33,100)	(5,200)	0	(60,000)	0	(98,300)
	Total	0.00	(33,100)	(5,200)	0	(60,000)	0	(98,300)

Report Totals

General Funds

Ongoing	1.50	56,700	129,900	19,400	0	0	206,000
Total	1.50	56,700	129,900	19,400	0	0	206,000

All Funds

Ongoing	1.50	56,700	129,900	19,400	0	0	206,000
Total	1.50	56,700	129,900	19,400	0	0	206,000

FY 2018 Agency Budget - Request

DU Summary Report

Agency: 437 Public Defense Commission

	FTP	Personnel Cost	Operating Expense	Capital Outlay	Trustee/Benefit	Lump Sum	Total
FY 2016 Total Appropriation							
0001-00 General	1.50	124,100	70,200	0	110,000	0	304,300
	1.50	124,100	70,200	0	110,000	0	304,300
FY 2016 Actual Expenditures							
0001-00 General	1.50	56,700	129,900	19,400	0	0	206,000
	1.50	56,700	129,900	19,400	0	0	206,000
FY 2017 Original Appropriation							
0001-00 General	6.00	497,300	215,600	0	5,066,500	0	5,779,400
OT 0001-00 General	0.00	4,100	0	13,400	0	0	17,500
	6.00	501,400	215,600	13,400	5,066,500	0	5,796,900
Appropriation Adjustments							
OT 0001-00 General	0.00	0	100,000	0	(100,000)	0	0
	0.00	0	100,000	0	(100,000)	0	0
FY 2017 Total Appropriation							
0001-00 General	6.00	497,300	215,600	0	5,066,500	0	5,779,400
OT 0001-00 General	0.00	4,100	100,000	13,400	(100,000)	0	17,500
	6.00	501,400	315,600	13,400	4,966,500	0	5,796,900
Expenditure Adjustments							
FY 2017 Estimated Expenditures							
0001-00 General	6.00	497,300	215,600	0	5,066,500	0	5,779,400
OT 0001-00 General	0.00	4,100	100,000	13,400	(100,000)	0	17,500
	6.00	501,400	315,600	13,400	4,966,500	0	5,796,900
Base Adjustments							
OT 0001-00 General	0.00	(4,100)	(100,000)	(13,400)	100,000	0	(17,500)
	0.00	(4,100)	(100,000)	(13,400)	100,000	0	(17,500)
FY 2018 Base							
0001-00 General	6.00	497,300	215,600	0	5,066,500	0	5,779,400
OT 0001-00 General	0.00	0	0	0	0	0	0
	6.00	497,300	215,600	0	5,066,500	0	5,779,400
Employee Benefit Costs							
0001-00 General	0.00	7,100	0	0	0	0	7,100
	0.00	7,100	0	0	0	0	7,100
Interagency Nonstandard Adjustments							
0001-00 General	0.00	0	30,700	0	0	0	30,700
	0.00	0	30,700	0	0	0	30,700
Change In Employee Compensation							
0001-00 General	0.00	4,200	0	0	0	0	4,200
	0.00	4,200	0	0	0	0	4,200

FY 2018 Agency Budget - Request

DU Summary Report

Agency: 437 Public Defense Commission

	FTP	Personnel Cost	Operating Expense	Capital Outlay	Trustee/ Benefit	Lump Sum	Total
FY 2018 Total Maintenance							
0001-00 General	6.00	508,600	246,300	0	5,066,500	0	5,821,400
OT 0001-00 General	0.00	0	0	0	0	0	0
	6.00	508,600	246,300	0	5,066,500	0	5,821,400
Line Items							
0001-00 General	0.00	29,600	0	0	0	0	29,600
	0.00	29,600	0	0	0	0	29,600
FY 2018 Total							
0001-00 General	6.00	538,200	246,300	0	5,066,500	0	5,851,000
OT 0001-00 General	0.00	0	0	0	0	0	0
	6.00	538,200	246,300	0	5,066,500	0	5,851,000

FORM B8.1: PROGRAM REQUEST BY DECISION UNIT					
Agency/Department:		Public Defense Commission		Request for Fiscal Year : 2017	
Function/Division:		Public Defense Commission		Agency Number: 437	
Activity/Program:				Function/Activity Number: 01	
				Budget Unit: SGPD	
Original Request Date: September 1, 2016		Revision Request Date: October 31, 2016		Page: 1 of 2	
Decision Unit Number: 4.31			Descriptive Title: Object Transfer from Trustee/Benefit to Operating Expenditures		
Description	General	Dedicated	Federal	Other	Total
FULL TIME POSITIONS (FTP) PERSONNEL COSTS: 1. Salaries 2. Benefits 3. Group Position Funding					
TOTAL PERSONNEL COSTS:					
OPERATING EXPENDITURES by summary object: 1. 5151 - Boise State Indigent Work Study 2. 3.	100,000				\$100,000
TOTAL OPERATING EXPENDITURES:	\$100,000				\$100,000
CAPITAL OUTLAY by summary object: 1. 2. 3.					
TOTAL CAPITAL OUTLAY:					
T/B PAYMENTS:	(\$100,000)				(\$100,000)
LUMP SUM:					
GRAND TOTAL					

1. What is being requested and why? What is the agency staffing level for this activity and how much funding, by source, is in the base?

A net zero object transfer from Trustee/Benefit to Operating Expenditures is being requested to have Boise State University's Idaho Policy Institute conduct a workload study of indigent defense attorneys in Idaho. The PDC currently has no staffing level for this activity, as this workload study requires the specialized knowledge and skill of policy researchers that are not currently employed by the PDC. The importance of the workload study is to support the establishment of scientifically-validated caseload/workload standards as the PDC has been directed by the legislature through I.C. § 19-850(1)(a)(vii). Without a workload study, the PDC will not be able to collect Idaho-specific workload data from counties across the state.

2. What resources are necessary to implement this request?

a. List by position: position titles, pay grades, full or part-time status, benefit eligibility, anticipated dates of hire and terms of service.

N/A

b. Note any existing agency human resources that will be redirected to this new effort and how existing operations will be impacted.

The PDC will contract with BSU's Idaho Policy Institute to conduct the workload study. No new positions will be needed to complete the study, nor will any existing human resources be redirected. The human resources necessary will be those individuals employed by BSU to conduct the research.

c. List any additional operating funds and capital items needed.

N/A

3. Provide additional detail about the request, including one-time versus ongoing. Include a description of major revenue assumptions, for example, whether there is a new customer base, fee structure changes, or anticipated grant awards.

This will be a one-time object transfer. Once the study is completed, the PDC will not need to conduct another such study. There are no revenue assumptions, as the study will not generate revenue and revenue generation is not part of the PDC's charge.

4. Who is being served by this request and what are the expected impacts of the funding requested? If this request is not funded who and what are impacted?

Citizens across the state will benefit as the study will allow the PDC to set reasonable and informed caseload/workload standards. The Legislature has tasked the PDC with setting standards for Idaho's indigent defending attorneys. Currently only generic, nationally agreed upon guidelines provide the basis for Idaho's preliminary caseload standards, as only limited and inconsistently-collected data specific to Idaho is available. The impact of this study is to provide realistic caseload/workload standards that are supported by Idaho data. Once established, data-driven caseload/workload standards will support a more constitutionally robust indigent defense system. If this request is not funded, the PDC's ability to fulfill the Legislature's requirement to set appropriate standards for indigent defending attorneys will be impeded. County commissioners, legislators and other stakeholders have repeatedly requested that information specific to Idaho be used to inform the standards, so this study is critical in maintaining their confidence in and, ultimately, their support of, the process of establishing workload standards.

FORM B8.1: PROGRAM REQUEST BY DECISION UNIT

Agency/Department: Public Defense Commission
 Function/Division: Public Defense Commission
 Activity/Program: _____

Request for Fiscal Year : 2018
 Agency Number: 437
 Function/Activity Number: 01
 Budget Unit: SGPD

Original Request Date: September 1, 2016
 Revision Request Date: _____

Page: _____ of _____

Decision Unit Number: **12.01**

Descriptive Title: **Salary Parity**

Description	General	Dedicated	Federal	Other	Total
FULL TIME POSITIONS (FTP)					
PERSONNEL COSTS:					
1. Salaries	24,300				\$24,300
2. Benefits	5,300				\$5,300
3. Group Position Funding					
TOTAL PERSONNEL COSTS:	\$29,600				\$29,600
OPERATING EXPENDITURES by summary object:					
1.					
2.					
3.					
TOTAL OPERATING EXPENDITURES:					
CAPITAL OUTLAY by summary object:					
1.					
2.					
3.					
TOTAL CAPITAL OUTLAY:					
T/B PAYMENTS:					
LUMP SUM:					
GRAND TOTAL	\$29,600				\$29,600

1. What is being requested and why? What is the agency staffing level for this activity and how much funding, by source, is in the base?

Additional funding for salaries is being requested, as current salaries are insufficient to attract and retain qualified individuals. Further, the responsibilities of the agency exponentially increased through legislation that was passed this year. Though additional staffing positions curbs the weight of these responsibilities, the responsibilities continue to significantly outweigh current compensation levels. The agency staffing level for Executive Director, Deputy Director and Administrative Assistant is one individual in each of these positions. The current agency staffing level for District Liaisons is zero, although three positions are contemplated by the current budget. Additional funding for salaries for the Executive Director, Deputy Director and Administrative Assistant is being requested.

These positions are currently funded through the General Fund as follows:

Executive Director: \$79,000

Deputy Director: \$62,500

Administrative Assistant: \$32,302 (approx.)

2. What resources are necessary to implement this request?

The resource necessary to implement this request is increased funding for staff salaries.

a. List by position: position titles, pay grades, full or part-time status, benefit eligibility, anticipated dates of hire and terms of service.

Executive Director, full-time, benefit-eligible, already employed, terms of service include supervisory and decision-making roles directing the activities of the PDC.

Deputy Director, full-time, benefit-eligible, August 29, 2016 is start date for this position, terms of service include assisting the Executive Director with managerial activities of the Administrative Assistant, full-time, benefit eligible, already employed, terms of service include managing the administrative aspects of the PDC office and providing secretarial services.

b. Note any existing agency human resources that will be redirected to this new effort and how existing operations will be impacted.

No existing agency human resources will be redirected to this new effort. The new effort is simply to increase salaries to attract and retain qualified individuals. Existing operations will be improved, because the PDC will be able to attract and hire qualified individuals for all positions.

c. List any additional operating funds and capital items needed.

There will be minimal need for additional operating funds or capital outlay, as all of the discussed positions are already contemplated in the current budget, just simply

3. Provide additional detail about the request, including one-time versus ongoing. Include a description of major revenue assumptions, for example, whether there is a new customer base, fee structure changes, or anticipated grant awards.

The request for additional funding for the Executive Director salary is based on a review of salaries of equivalent positions across the country as well as a review of salaries of Idaho agency heads. Judging by both of these metrics, the salary of the Executive Director is insufficient. Quite simply, an individual with an advanced degree and the requisite experience to be Executive Director could find significantly more attractive offers at other public agencies or private companies. The same problems present themselves when considering the salaries of the other staff positions as the PDC. The current funding levels are insufficient to attract and retain qualified personnel. There are no major revenue assumptions, as the PDC does not gather revenue.

4. Who is being served by this request and what are the expected impacts of the funding requested? If this request is not funded who and what are impacted?

All individuals who make use of a public defender in any of Idaho's counties are served by this funding request. This is because an adequately funded PDC can set about the important work of helping to improve Idaho's public defense system. Without adequate funding, the PDC is set to become a revolving door, which will greatly impede its ability to further its mission.

The expected impact of this funding request is to increase the PDC's competitiveness with other public and private employers. This will, for instance, allow the PDC to attract a large number and higher quality of applicants in the future.

If this request is not funded, Idaho's system of public defense and all who work in and utilize this system will be negatively impacted. This is because the PDC will not be able to vigorously set about the work of helping to improve this system. If the PDC is not able to retain employees long-term, it can never develop the institutional knowledge necessary to further its mission in an efficient manner. Too much time and too many resources will be expended allowing the revolving set of new employees to acquaint themselves with the landscape of Idaho's public defense system, and too little time will be spent actually improving the system before such employees are themselves drawn to new and more lucrative opportunities.

FORM B6: WAGE & SALARY RECONCILIATION

7.00		FY 2017 ESTIMATED EXPENDITURES	6.00	351,500	75,200	74,700	501,400
		Base Adjustments:					
8.31		Transfer Between Programs	0.00	0	0	0	0
8.41		Removal of One-Time Expenditures	0.00	(3,400)	0	(700)	(4,100)
8.51		Base Reduction	0.00	0	0	0	0
9.00		FY 2018 BASE	FTP	FY 18 Salary	FY18 Health Ben	FY 18 Var Ben	FY 2018 Total
10.11		Change in Health Benefit Costs	6.00	348,100	75,200	74,000	497,300
10.12		Change in Variable Benefits Costs			7,300	(200)	7,300
		Subtotal CEC Base:					0
		Indicator Code	6.00	348,100	82,500	73,800	504,400
10.51		Annualization		0	0	0	0
10.61		CEC for Permanent Positions	1.00%	3,500		700	4,200
10.62		CEC for Group Positions	1.00%	0		0	0
10.63		CEC for Elected Officials & Commissioners		0		0	0
11.00		FY 2018 PROGRAM MAINTENANCE	6.00	351,600	82,500	74,500	508,600
		Line Items:					
12.01		Salary Party	0.00	24,300		5,300	29,600
12.02							0
12.03							0
13.00		FY 2018 TOTAL REQUEST	6.00	375,900	82,500	79,800	538,200

FIVE-YEAR FACILITY NEEDS PLAN, pursuant to IC 67-5708B

AGENCY INFORMATION

AGENCY NAME:	Executive Office of the Governor				
Division/Bureau:	Public Defense Commission				
Prepared By:	Matt Orem	E-mail Address:	matt.orem@dfm.idaho.gov		
Telephone Number:	854-3063	Fax Number:	208-334-2307		
DFM Analyst:	Adam Jarvis	LSO/BPA Analyst:	Jared Hoskins		
Date Prepared:	8/19/2016	For Fiscal Year:	2018		

FACILITY INFORMATION

Facility Name:	Garro Building				
City:	Boise	County:	Ada		
Street Address:	816 W. Bannock Street, Ste. 201				Zip Code: 83702
Facility Ownership: (could be private or state-owned, use "X" to mark one):	Private Lease (use "X" to mark):	X	State Owned (use "X" to mark):		Lease Expires: 10/25/2017

FUNCTION/USE OF FACILITY: Could be administrative use, client counseling, hearing rooms, field offices, etc. Address any specialized needs which require additional square feet.

Administrative Office Use

COMMENTS: Address reasons for expanding or relocating; amount of space leased to other state agencies, federal agencies, etc. & the amount of rent they pay for the use of your facility; or other comments which might be helpful.

SURPLUS PROPERTY: Facilities to be disposed of and funds re-utilized for building replacement or renovation of facilities. This could also include leased facilities if the leased facility is to be vacated prior to the expiration date of the lease.

FISCAL YR:	ACTUAL 2016	ESTIMATE 2017	REQUEST 2018	REQUEST 2019	REQUEST 2020	REQUEST 2021
Use "X" to mark the year facility would be surplus.						

WORK AREAS: Work areas are areas occupied by full-time employees, contractors, seasonal employees, auditors, etc. (3 people working in one building would be 3 work areas)

FISCAL YR:	ACTUAL 2016	ESTIMATE 2017	REQUEST 2018	REQUEST 2019	REQUEST 2020	REQUEST 2021
Total Number of Work Areas:	2	2	4	4	4	4
Full-Time Equivalent Positions:	1.5	3	6	6	6	6
Temp. Employees, Contractors, Auditors, etc.:						

SQUARE FEET: Use "net rentable" sq ft if in a facility leased from a private party; use "usable" sq ft if in a State-owned facility. Typically, this will be the figure shown in the Lease Agreement if leased from a private party or in the MOU if state-owned.

FISCAL YR:	ACTUAL 2016	ESTIMATE 2017	REQUEST 2018	REQUEST 2019	REQUEST 2020	REQUEST 2021
Square Feet:	681	681	681	681	681	681

FACILITY COST: Include annual rent, plus any facility-related costs, such as utilities, janitorial service, property taxes or building maintenance which are not included in rent payment made to your Landlord. If improvements will need to be made to the facility and will be paid by the agency, this should be included as well. If the lease will be expiring and the future rent is not specified in the lease agreement, increase rent by 3%/yr. Increase all other facility-related costs by 3%/yr as well. Use "Calculation Sheet" tab below if necessary. Do not include telephone costs or rent discounts. If you anticipate moving to a new facility, you need to take into account any increase in sq ft leased and estimate a new market rate for the new facility. Do NOT use your old rate per sq ft – it may not be a realistic figure.

FISCAL YR:	ACTUAL 2016	ESTIMATE 2017	REQUEST 2018	REQUEST 2019	REQUEST 2020	REQUEST 2021
Total Facility Cost/Yr:	11,291.38	\$11,700.00	\$11,700.00	\$11,700.00	\$11,700.00	\$11,700.00

IMPORTANT NOTES:

1. Please fill in the white sections only! If you have any questions, please call Ruth @ 332-1933.
2. Upon completion, please send to Ruth Swan-Brown at the Division of Public Works via email to Ruth.Swan-Brown@adm.idaho.gov.
3. If you have five or more locations, please summarize the information on the Facility Information Summary Sheet and include this summary sheet with your submittal.
4. Attach a hardcopy of this submittal, as well as the Facility Information Summary Sheet, if applicable, with your budget request.

AGENCY NOTES:

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Darrell G. Bolz, Chair
Juvenile Justice Commission

August 30, 2016

Rep. Christy Perry, Vice-Chair
House of Representatives

Dear Mr. Jarvis,

Eric D. Fredericksen, Esq.
State Appellate Public Defender

I am writing this in support of the Public Defense Commission's (PDC) FY2018 Budget Request. This Budget Request includes a requested increase for personnel salaries for the Executive Director, Deputy Director and Administrative Assistant. Granting this request is paramount to allow the PDC to further its mission of promoting constitutionally adequate public defense in Idaho.

Commr. Kimber Ricks
Idaho Assoc. of Counties

Linda Cople Trout
Idaho Court System

William H. Wellman, Esq.
Defending Attorney

Since its inception in 2014 (H0542), the duties of the PDC have increased significantly. As initially conceived, the PDC's duties were limited to promulgating rules related to training and data reporting, and making recommendations to the legislature regarding public defender (PD) contracts, qualifications and experience standards, enforcements mechanisms and funding issues. HB 504 (2016) greatly expanded the duties and responsibilities of the PDC. The PDC now administers grants to the counties and is charged with promulgating rules relating to standards for indigent defense and their enforcement. The statute also contemplates the PDC actually taking over and running public defense services on behalf of a county if that county cannot bring their public defense services into compliance with the state standards. The PDC is now also charged with providing training for PDs and for establishing procedures for providing extraordinary litigation costs to counties. The PDC is also responsible for collecting annual data reporting from the counties regarding the number of cases handled by that counties indigent defense provider. In short, the duties of the PDC have increased significantly. While the legislature granted the PDC additional full-time positions for FY2017, the staffing levels and compensation do not match the exponential increase in responsibilities. Like their counterparts on the front lines of public defense, PDC employees are asked to work harder for less pay than other similarly situated state employees.

Sen. Chuck Winder
Senate

A review of the salaries paid to agency heads of other Idaho state agencies as compared to the salary paid to the Executive Director of the PDC provides some clarity. Of those agency heads who were found to hold a post-graduate degree, the Executive Director of the PDC receives the lowest compensation of any such agency head. The current compensation of

Kimberly Simmons, Esq.
Executive Director

\$79,019.20 is 61% of the average compensation paid to agency heads with an advanced degree, which is \$130,069.52. If only those agency heads with JDs are considered, the average salary is \$115,917.15. The Executive Director's salary is similarly low when compared to the two most comparable positions, that of State Appellate Public Defender and Attorney General. The SAPD is paid \$97,001.20. The Attorney General is paid \$ 124,000.00. From examining the salaries paid to other Idaho agency heads, the salary of the Executive Director of the PDC is clearly insufficient. As the State Appellate Public Defender has previously noted to JFAC, insufficient compensation makes it difficult to hire and retain qualified personnel. Quite simply, other jobs in public defense and particularly other jobs in the private sector will pay qualified individuals far more than the level of compensation the PDC can currently offer. This disparity will make it difficult for the PDC to accomplish its goals as required in legislation because the insufficient level of compensation will result in the PDC becoming a revolving door as qualified individuals are drawn to more attractive opportunities.

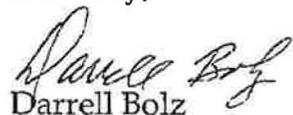
That the compensation levels at the PDC are insufficient is also clear from examining the compensation of equivalent positions in other states. Of those states with analogous positions, only West Virginia pays their Executive Director less. The average compensation for a state's highest ranking public defense official is \$ 125,341.83. Most of the salaries for a state's chief public defender exceed \$100,000. Again, the disparity in salary demonstrates that the current compensation level for the Executive Director is simply too low. As noted above, this will make it extremely difficult for the PDC to retain qualified staff because the PDC is not competing financially.

Just as the compensation for the Executive Director of the PDC is too low, the Administrative Assistant is not properly compensated nor given the appropriate title. The current Administrative Assistant was the only employee of the PDC for a significant period of time while the PDC was without an Executive Director. Furthermore, the title greatly underrepresents what the current staff member contributes to the PDC's mission. "Office manager" would be a more appropriate title, as this individual handles all administrative office matters and has wide-ranging independent responsibilities. Additionally, the Administrative Assistant has been with the PDC since its inception. As a result, she retains a tremendous amount of institutional knowledge that will be lost when her talents and abilities result in her receiving a more attractive job offer from another public agency or private company. In short, it is not only the Executive Director who is undercompensated at the PDC, the Administrative Assistant is as well. If the PDC stands still it will be caught up in a whirlwind of personnel changes that will greatly impede its ability to complete its mission.

Furthermore, expenditures at the PDC are an investment that will pay great dividends for State and county coffers. This is particularly true in light of the ongoing litigation against the State by the ACLU of Idaho. If Idaho's public defense system remains constitutionally insufficient, Idaho will continue to be the victim of such lawsuits. Defending these lawsuits has extensive costs for the State, as deputy attorney generals must vigorously defend the State. Additionally, if the ACLU prevails, Idaho can be stuck with the attorney's fees for the ACLU as well. It is much cheaper for the State to simply adequately fund the PDC than it is to divert attorney general resources to defending the State from ACLU lawsuits. If the PDC is adequately funded, such lawsuits can be avoided because the PDC will have the ability to ensure Idaho's system of public defense passes constitutional muster.

The resources currently devoted to personnel costs at the PDC are insufficient. This insufficiency is clear when one examines the compensation for Idaho agency heads and for chief public defenders across the nation. The same issues that make insufficient compensation of the Executive Director problematic also affect the compensation of other agency staff. Namely, it will be difficult, if not impossible, to attract and retain qualified individuals if there are significantly more attractive financial offers available in both the public and private spheres. For these reasons, we respectfully request that the PDC be funded at the level requested per the FY2018 Budget Request. Without adequate funding the PDC will not be able to address the insufficiencies in Idaho's current public defense system. The protection of the rights of Idaho's most vulnerable citizens, and the shielding of taxpayer funds from lawsuits, depends upon the PDC being adequately funded.

Sincerely,



Darrell Bolz

Chairman

Idaho State Public Defense Commission



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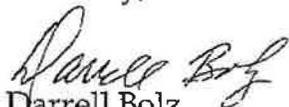
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Sincerely,



Darrell Bolz

Chairman

Idaho State Public Defense Commission

FY 2018 Budget Request Revision for Statewide Cost Allocation

Fiscal Year: 2018

Revision No. 1

Agency Code: 437

Agency: **Public Defense Commissior**

Budget Unit	Program Name	Fund Number	Base	Attorney General	Risk Management	State Controller	State Treasurer	BU/Fund Total	Percent of Base	Percent of Fund
			SWCAP 1,200	DU 10.41	DU 10.45	DU 10.46	DU 10.47			
SGPD	PDC	0001	1,200	30,300	300	0	100	30,700	100.00%	100.00%
			0					0	0.00%	0.00%
			0					0	0.00%	0.00%
			0					0	0.00%	0.00%
			0					0	0.00%	0.00%
			0					0	0.00%	0.00%
			0					0	0.00%	0.00%
			0					0	0.00%	0.00%
			0					0	0.00%	0.00%
Decision Unit Total			1,200	30,300	300	0	100	30,700	100.00%	100.00%

I request that the FY 2018 Budget Request be revised to reflect the above adjustments for Attorney General fees, Risk Management fees, State Controller's fees, and State Treasurer fees.

Signed  Title *DFM Deputy Administrator* Date *10/5/16*

Instructions
 Each year after the original budget submission deadline, the Division of Financial Management calculates the estimated amount of change from the current year to the budget year for certain Interagency Nonstandard Adjustment decision units related to the Statewide Cost Allocation Plan (SWCAP). It is your responsibility to distribute those changes equitably between programs (budget units) and fund sources.

- 1) Locate your agency on the Indirect Cost Recovery Budget Adjustments spreadsheet.
- 2) Sum the "FY Approp. Basis" columns for all categories (Treasurer, Controller Attorney General, Risk Management, and Facility Services) in cell E7.
- 3) Enter by budget unit and fund source the SWCAP appropriation basis in the column titled "Base SWCAP". The allocation should be the same as your actual expenditures by fund source for last year rounded to the nearest \$100.
- 4) Find "Request Adjustment" for each category noting "Statewide Accounting" and "Statewide Payroll" must be summed to calculate the Controller fees.
- 5) Identify the budget unit and fund source for each of the areas requiring adjustment.
- 6) Enter each budget unit in the column identified as Budget Unit. Flag any continuous budget units as "(Cont)". Repeat for each different fund.
- 7) In the column identified as Fund Number, place the number of the fund to which the increase or decrease in costs will be applied.
- 8) In the column identified as adjustment, place the dollar amount for each identified budget unit by fund. Round to nearest \$100.
- 9) Check that all totals match those on the Indirect Cost Recovery Budget Adjustment spreadsheet.
- 10) Sign and return a copy to each of your DFM and LSO analysts. *Thank you!*