



**ALBEMARLE-CHARLOTTESVILLE REGIONAL JAIL AUTHORITY**

(SERVING ALBEMARLE, CHARLOTTESVILLE, NELSON)

160 Peregory Lane

Charlottesville, Virginia 22902

Phone: (434) 977-6981 Fax: (434) 951-1339

Col. Martin Kumer, Superintendent (ext. 230)

Web: <http://www.acrj.org>

Mrs. Marce B. Anderson, Clerk (ext. 229)

**Board Business Meeting**

**July 11, 2024 (12:00 p.m. – 2 p.m.)**

**Albemarle-Charlottesville Regional Jail, 160 Peregory Lane, Charlottesville, VA**

AGENDA

(Action/Information)

**I. ACRJ Board Meeting – Call to Order**

Adopt Meeting Agenda

Action Item

**II. Consent Agenda**

For Approval:

- 1) Amended Draft Summary Minutes March 14, 2024 ACRJA Board Bi-Monthly Business Meeting
- 2) Draft Summary Minutes April 14, 2024 ACRJA Board Bi-Monthly Business Meeting

Action Item

Action Item

Informational

- 1) Administrative Reports
  - a) Personnel Report – June 2024
  - b) Out of Compliance Report - May 2024
  - c) Census Report – May 2024
  - d) Work Force / VDOT / Litter Control –June 2024
  - e) Special Management Report – June 2024
  - f) Home Electronic Incarceration – June 2024

**III. Matters from the Public – (Time Limit: 3 Minutes / 2 Minutes if more than 9 speakers – no longer than 30 minutes)**

**IV. Matters from ACRJA Attorney – Brendan Hefty**

**V. Matters from ACRJA Board Members**

**VI. Matters from Financial Consultant – Ann Shawver**

- 1) Debt Service Positive Variance

Action Item

**VII. Matters from the Superintendent – Colonel Martin Kumer**

- 1) Departmental Report – (Programs)
- 2) Contract Nursing Update

Informational Item

Informational Item

**VIII. New Business –**

**IX. Closed Session – Colonel Kumer’s Evaluation**

Action Item

**X. Adjourn to August 8, 2024 – 12:00 pm – 2:00 pm**

Action Item

Authority Board

Kaki Dimock	(Albemarle)	Sheriff James E. Brown, III	(Charlottesville)	Robert Barton	(Nelson)
Sheriff Chan Bryant	(Albemarle)	David Brown	(Citizen Rep) (Charlottesville)	Sheriff Mark Embrey	(Nelson)
David Pastors (Citizen Rep)	(Albemarle)	Brian Pinkston	(Charlottesville) – Vice Chair	Candice McGarry	(Nelson)
Diantha McKeel	(Albemarle) - Chair	Ashley Reynolds Marshall	(Charlottesville)		

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**DRAFT**

**Summary Minutes of the  
Albemarle Charlottesville Regional Jail Authority Board Meeting  
March 14, 2024**

**Jail Board Members Present:**

Ms. Diantha McKeel  
Ms. Lisa Draine  
Ms. Kaki Dimock  
Mr. Brian Pinkston  
Mr. Robert Barton (via Zoom)  
Sheriff Chan Bryant  
Mrs. Candice McGarry  
Mr. David Pastors  
Sheriff Mark Embrey  
Sheriff James Brown  
Mrs. Ashley Reynolds Marshall

**Jail Board Members Absent:**

**Others Present:**

Colonel Martin Kumer  
Mrs. Marce Anderson  
Mr. Brendan Hefty

The meeting was called to order at 11:00 am by Chairperson Diantha McKeel.

Ms. McKeel asked for a motion to accept Mr. Barton into the meeting to participate in the meeting virtually. Mr. Barton advised the board that he was located in Charlottesville, VA and was participating virtually for medical reasons.

Mrs. Marshall made the motion to allow Mr. Barton to participate virtually. Sheriff Embrey seconded the motion. The motion carried.

Chairperson McKeel then asked for all board members and staff present to introduce themselves.

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Ms. McKeel asked for a motion to adopt the meeting agenda. Mr. Pinkston made the motion to approve the agenda. Mr. Pastors seconded the motion.

Roll Call was as follows:

Mr. Barton	Yes
Sheriff Embrey	Yes
Mrs. McGarry	Yes
Mr. Pinkston	Yes
Mrs. Marshall	Yes
Ms. McKeel	Yes
Ms. Dimock	Yes
Mr. Pastors	Yes
Ms. Draine	Yes
Sheriff Bryant	Yes
Sheriff Brown	Yes

The motion carried.

Ms. McKeel asked for a motion to adopt the consent agenda. Mrs. McGarry made a motion to approve the consent agenda. Ms. Dimock seconded the motion. The motion carried.

Roll Call was as follows:

Mr. Barton	Yes
Sheriff Embrey	Yes
Mrs. McGarry	Yes
Mr. Pinkston	Yes
Mrs. Marshall	Yes
Ms. McKeel	Yes
Ms. Dimock	Yes
Mr. Pastors	Yes
Ms. Draine	Yes
Sheriff Bryant	Yes
Sheriff Brown	Yes

The motion carried.

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### **Matters from the Public:**

**Jim Hingeley** (Albemarle County Commonwealth's Attorney) – Mr. Hingeley stated that he has been coming to this jail for many years. Mr. Hingeley stated that he has spent many hours in this jail meeting with clients. The most recent visit was earlier this week for a tour with Colonel Kumer. Mr. Hingeley stated that the jail is inhumane. What is going to be our response? One thing we can do is send fewer people to the jail. He stated that Albemarle County's jail population has been reduced by 37% over the last 4 years. That is part of the solution, but not all of the solution. We have to make the jail humane for those people who are left here. The people left here are mostly violent offenders. These are people who need to be in the jail. These are people who are not suited for diversion, or community mental health treatment or other non carceral alternatives. You know people who are directly affected by the inhumane conditions in this jail. Staff, residents and visitors deserve our best efforts to make things right. These people don't often get our best efforts. Option 3 is the best and that's what we should do. I am proud that my Board of Supervisors is committed to funding their share of this cost and I am glad that the state is on board for the 25% match. We do not need to reset the clock and take another year or more taking alternatives through the lengthy decision making process and possibly jeopardizing the 25% reimbursement. Please approve Option 3, it is the best option.

**Theresa Hepler** (Albemarle County Resident) – Ms. Hepler advised the board that she is an attorney and has practiced many areas of law. Ms. Hepler stated that she wants to address the excuses this board has made to the concerns of the people in this community. First, in response to us saying we need more community input and engagement, the response was "well we need a jail". That is an easy and lazy statement that doesn't actually respond to the concern. Whenever I have said there needs to be an in depth conversation about community engagement, that has been the reply. Even if the community needs a jail, the community should still get a robust and meaningful opportunity to have input. You have incorrectly characterized anyone who wants you to slow the process down as abolitionist boogeymen. That seems to be a common theme amongst this board. To try to eradicate, mischaracterize, and humiliate those with questions or concerns instead of trying to understand them. In response to us saying that money could be used in programs and supports to prevent people from going to jail in the first place. You have said, why does it have to be 1 or the other, it should be all of it. People aren't saying do nothing with the jail. We are saying figure out what is really needed in a holistic view of what we value as a community. We live in a world of finite resources and where you put your money, shows what you value. For instance, the Charlottesville School Board needs money but it is unclear as to where that will come from. Education helps prevent incarceration. I know that we value education. If people thought about all of this holistically, they could probably find a way to get the jail updated in the most responsible way possible and use the savings for other things. But no one appears to be having that conversation. In response to us saying there has not been much community engagement, you have said we have gone above and beyond soliciting public input and we have done much more than other localities would have done. That doesn't mean that you have done enough. When people in your community say that they are not satisfied with the amount of

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community engagement then you obviously have not done enough. You have been dead set on option 3 and only pulled option 1 and 2 out of a hat to give the community something to consider. You have never sought advice on how to meaningfully engage the community. You are not in a position to vote today, please postpone the vote.

**Maria Rincon** – (Charlottesville Resident) – I am disappointed in this board. The options of 1 and 2 have been a placation. I feel that all evidence points to this being a sham. These options were offered very recently with arbitrary numbers. Less than 100 people have actually meaningfully engaged in the community forums. This feels like a really fast vote after only 2 months of community forums. Lastly, I have read the news articles that have shown that former members of this board were pushed out for questioning the amount of money being proposed in option 3. I read the surveys, and they are overwhelmingly telling you not to vote for option 3. Other than the tour Kumer gave you, have you meaningfully interacted with the jail or incarcerated individuals. I have had that experience to see loved ones come in and out of here and they come out worse. This jail will not fix them. This jail is not inhumane because it is dilapidated. It is because the U.S. system of incarceration is inhumane. Do not vote for option 3. Option 1 or 1A. Even a delay of the vote to meaningfully engage with the community. We should not spend that much money on a jail that we don't want more people coming in to.

**Kate Fraleigh** - I am a resident of the City of Charlottesville. I am a member of the People's Coalition.

You know already that the People's Coalition opposes any increase in square footage, that taxpayer money is better spent on preventing crime by decreasing poverty, decreasing housing insecurity, providing mental illness services, and additional treatment. Most of you weren't around in 2019 when the discussion first started about the needs of the jail. The July 2020 "Albemarle Charlottesville Regional Jail Facility Condition Assessment Report done by Cardno so you have no memory of how quickly the project went from 1.9 million to 49 million. A huge increase without clear choices for a less expensive options. So you don't know what a slippery slope it has been.

Much has been said by Mr. Bell and Col. Kumer at the Community Forums and elsewhere that one cannot assume there will be reimbursement from the state for options 1, 1A, or 2. In fact on the Renovation page in the Frequently Asked questions it answers the question "How can ACRJ qualify for the 25% reimbursement? A. The current jail is not in compliance with new standards. The state will only reimburse up to 25% for any improvement that meets the new 2018 BLRJ standards". But that's a false narrative. I imagine you read The Daily Progress article. "Questions linger over state reimbursement of Charlottesville's multimillion-dollar jail renovation".

Some say it's not either or, that there is enough money to go around for all the things we want. I received a mailing from the Virginia Sheriffs' Institute, signed by you Sheriff Brown asking for \$25 to "provide desperately needed resources for all of our sheriffs and deputies to continue to provide enhanced law enforcement educational and training programs, as well as to promote public safety and the suppression of crime." The mailing goes on to say that there is "pressure on public safety budgets".

So I don't think anyone can say the taxpayers' dollars can fund everything that is wanted or needed.

Please, do not expand the jails square footage that means do not pick option 3.

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**Ruby Cherian** - My name is Ruby Cherian, and I am an attorney at Legal Aid Justice Center. I also work with the People's Coalition. I'm here to speak about the jail renovation and my experiences with the community forums held in January and February.

1) Community engagement did not occur in these past few months.

- City council members voted for interim funding with an explicit emphasis on community engagement. Community forums are not community engagement.
- The three forums consisted primarily of PowerPoint slides, where community members were spoken at, rather than spoken with. Even though folks were confused about what was included in each tier, questions were reserved until the end.
- Community engagement takes time. 3 rushed sessions do not constitute community engagement.
- Importantly, the three tiers were designed with no community input. When we asked how the lowest 2 tiers were designed, we were told they "arbitrarily" picked an amount of money. Tiers should be built based on a list of priorities and not on randomly selected amounts of money.

2) There has been a lot of "hiding the ball."

- Of 5 reimbursement requests sent to the state from 2022-2023, all 5 were approved for reimbursement, including a 25% reimbursement for Franklin County Jail costing \$32,401 to "upgrade the security control system and replace existing doors and windows." However, the community was repeatedly told that without meeting the current jail standards of the Virginia Board of Local and Regional Jails, the lowest options would not receive any funding.
  - All of this is despite the fact the third option still does not meet all of the jail standards, particularly square footage requirements.
- In addition, the lowest two options were not presented as legitimate options alongside option 3. Option 3 has been the entire focus of this project. The public did not see options 1, 1a, or 2 until January at the first community forum. Even you the board were not presented with tiers 1, 1A, and 2 until more recently.
- Mental health beds were also only placed in tier 3. However, jails are not appropriate settings for treatment. Jails cause trauma and should not be the primary providers of mental health services. Furthermore, other than their location being closer to the infirmary, these beds are not any different from segregation beds.

3) While a jail renovation is required, the People's Coalition believes that we should not invest excessively large sums of money into carceral institutions.

- We demand three things:
  - First; that systems like the HVAC and plumbing be updated.
  - Second; that a real recreation area be built. The current plans for a recreation area just move people from one cage to another. Only the roof allows for sunlight, while every other side is walled in.
  - Third; all cells, including segregation rooms, need access to a day room.
- We do not want to see an expansion in square footage. Existing space should be reconfigured, instead of building new space.

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We ask that you vote note NO on option 3

**Susan Perry** (Albemarle County Resident) - I am a resident of Albemarle County and a member of the People's Coalition. I was one of the few people on the call during the pandemic with the architects and Superintendent Kumer. I thought, as we all did, it was an exercise in creating a fantasy wish list. At no time, did we know the cost or that this plan was IT. After we were told that these plans went to the state for approval, we were told numerous times from everyone from Superintendent Kumer, board members, city council members that this was done to ensure it was approved at the for the maximum cost. We were told there would be plenty of time for community input. Members of the People's Coalition spent time as inmates in the jail, have loved ones in the jail, and folks like me who have spent time working in prison settings. We were looking forward to being able to contribute our experiences and ideas to the project. As said before, the forums were not that. It was too little too late.

We have come up with reasonable demands for the renovation:

- HVAC, heating systems, and plumbing updated
- A real outdoor recreation space. The prisons have them the fact that most of them are rural isn't a good excuse. There are woods nearby them all.... High walls with a semi-open roof isn't outdoors.
- Cells, including segregation rooms have access to a day room
- No expansion of square footage. There is plenty of space.
- Please vote NO on Option 3.

**Melissa Gilrain** – Ms. Gilrain is a resident of Charlottesville and stated that she is a prison abolitionist. I understand the jail is a horrible place and in bad condition. I have been advocating for the systems renovation for years. I have been following the renovation discussion from the beginning. I have been really disappointed by the lack of conversation or consideration by this board for any of the less expensive options. I have been even more disappointed by the lack of community engagement by the board itself. Every community engagement has been with Colonel Kumer and jail staff, never with board members other than Ms. Draine. Community members have concerns about spending so much money on a jail rather than investing in our communities directly. You were not there to hear Kumer say that he has been pushing for option 3 all along, even after not being able to answer a question about what the actual top priorities are for this renovation. You weren't there to hear the frustration people have had with this process and to understand what this community actually wants not what you think they want, or what you want. You have a chance to question what you want your legacy on this board to be. Whether you want to continue to invest in locking people in cages for the next 50+ years or whether you choose to invest in something different. Jails will never be humane. They will never be compassionate. They are systems of perpetual harm. You have a choice to help our community move away from these systems of harm. I strongly encourage the board to vote for option 1 or 1A. These options address the most pressing needs. Option 3 is disgustingly unnecessary. It does little to help the inmate population beyond the systems renovations. There has been no actual evidence that these options would not receive the 25% reimbursement. Please consider anything other than Option 3.

**Greg Weaver** – Mr. Weaver is from the City of Charlottesville. I do not want my tax dollars to be used for this project. No one I have talked to has expressed their desire for so much money to be spent on jail renovation. Of course we want humane conditions in the jail. We don't want the

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people who have to be here to suffer. Option 1 or 1A meets that bar. People that I've talked to are just learning about Option 3 and the push for Option 3 and particularly its price tag. When they learn about that, they are immediately against spending so much money on the renovation. With projects like this, it's not going to end at \$49 million. We need to spend the money on public housing initiatives, which is a crisis in the City and the County. Priorities for both areas are schools, libraries, public facilities, bike and pedestrian infrastructure. There is so much that the \$24 million dollar difference between Option 1 and Option 3 could go towards. Please do not select Option 3

**Jacob Wiener** – Mr. Wiener is a Charlottesville resident and a lawyer. He stated that he is an expert on Policing and Civil Rights and a graduate of UVA Law. One thing I've learned in my practice since then is that a fancier jail is not going to make us safer. If you want to talk about safety we need to invest in the community. Handouts from contractors and fancy design firms is not safety. I urge you to choose Option 1 or 1A, the Option that is most supported by the public. This option that enables out community to best address the needs of all of our citizens. This board has failed to fully develop all of the options. Now you want to use that failure as an excuse to go for the most expensive option. I think that is unacceptable. You failed us. You have the opportunity to make that right. I am a taxpayer and I care how my taxes are spent. I want that money to be spent in the best way possible. A \$70 million dollar debt on our municipalities takes money out of our communities, money out of schools, money out of mental health and violence prevention programs that make our streets safe. I want a process that takes the time to get things right. You are on public time and many of you are public servants on public dollars. You owe us a full process. When you are talking about renovations that will take years, time is not an excuse. I urge you to do the right thing and commit the resources to services either in the jail or outside of the jail, not construction.

### **Matters from Brendan Hefty, ACRJA Attorney:**

Mr. Hefty had no matters. Ms. Dimock advised Mr. Hefty that she would be asking what our role is on the board. It may be in our bylaws, but I will ask for that. Ms. Dimock asked what their job is as board members. Mr. Hefty advised that the board manages the ultimate decision making of the jail.

### **Matters from the ACRJA Board Members:**

There were no matters from board members.

### **Matters from Ann Shawver, Business Manager:**

There were no matters.

### **Matters from Superintendent, Martin Kumer:**

**2% Salary Increase** - I am seeking the Board's permission to provide a 2% salary increase for all 22 non-compensation board funded positions effective retroactively to December 1, 2023. The General Assembly included additional funding in the Compensation Board (CB) budget when it passed the "Caboose" budget for FY 24. The funding provides for a 2% increase for all Compensation Board Funded positions effective December 1, 2023. There are positions that are fully supported through funding from the local jurisdictions, non-Compensation Board funded, and the rest are supported by the Compensation Board and further



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supplemented by the local jurisdictions. However, the same position is not always funded by the CB. For example, of our 12 nursing positions only 5 are funded by the CB. Therefore, 7 nurses would not otherwise receive the increase. This scenario applies to all positions.

Therefore, it has been the Board Authority's preference to approve comparable salary increases for non-Compensation Board funded positions in line with those funded positions.

The additional funding in the "Caboose" bill is more than sufficient to fully fund this request with no additional cost to local jurisdictions.

The total cost (salary, fringe and FICA) of the 2% increase for the 22 non-compensation Board funded positions is estimated to be \$25,500.

Note: In the February Board meeting the FY 24 Year to Date financial report estimated a year end deficit of \$175,000. Since then we have confirmed the final FY 24 approved Compensation Board funding for the facility is approximately \$6,700,000. This is an increase of \$558,000 over the initial Compensation Board estimate of \$6,142,000 used in the FY 24 budget that was approved by the Board Authority. This additional revenue is sufficient to offset the anticipated deficit, provide funding for this request and is estimated to produce a budget surplus.

### **Conclusion:**

**Recommend to approve 2% salary increase for all non-compensation board funded positions retroactive to December 1, 2023 to coincide with the comparable increase for Compensation Board funded positions.**

Sheriff Embrey made a motion to approve the 2% salary increase for all non-compensation board funded positions retroactive to December 1, 2023 to coincide with the comparable increase for Compensation Board funded positions. Sheriff Brown seconded the motion.

Roll Call was as follows:

Mr. Barton	Yes
Sheriff Embrey	Yes
Ms. McGarry	Yes
Mr. Pinkston	Yes
Ms. Marshall	Yes
Ms. McKeel	Yes
Ms. Dimock	Yes
Mr. Pastors	Yes
Ms. Draine	Yes
Sheriff Bryant	Yes
Sheriff Brown	Yes

The motion carried unanimously.

### **Renovation Update / Discussion –**

Mr. Bell reviewed all 3 Options for the board (breakdown can be found in the March board packet at ACRJ.org) Mr. Bell opened the floor questions from board members.

Mr. Pastors asked what percentage of the population has mental health issues. Colonel Kumer advised that we do keep track of the number of inmates on psychotropic medications. That

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percentage on any given day is approximately 24%. That is the number for individuals that have been diagnosed. There are individuals that have been undiagnosed. Where do you house those individuals? Are they in general population? Colonel Kumer advised that they are typically housed in general population. We are most concerned when an individual first comes into the facility. That is when they most likely have been off their medication for whatever reason. They could also be experiencing some sort of crisis from being brought to the jail. We then get those individuals stabilized through our mental health providers.

Mr. Pastors asked Mr. Bell, in his experience with jail renovations, how many jails have specific mental health areas. Mr. Bell advised that there are very few. Henry County Jail was the first to have a fully dedicated mental health wing for that purpose. Mr. Pastors asked if you are losing capacity if you designate an actual mental health wing. Mr. Bell advised that you would lose rated capacity. Mr. Bell further stated that there are certain parameters that need to be met in order to meet the standard. Colonel Kumer advised that some years ago the state reached out to all jails in Virginia and asked if any jails would be interested in having a mental health unit. The state would convert one of our units into a mental health unit. Individuals with mental health issues would be brought here for their period of incarceration. We would be compensated by the state. I said no, because I do not believe that individuals with mental health issues should be incarcerated.

Ms. Dimock had questions regarding the housing units and how the renovation would impact those areas. Colonel Kumer advised that the renovation dollars would not be used for the housing units. Those units will be used to house individuals while the renovation is in progress.

Ms. McGarry asked if the reimbursement amounts for the other Options, 1, 1A and 2 have to go back to the state for approval before the 25% reimbursement could be allocated. Ms. McKeel stated that we were allocated the 25% reimbursement based on what was submitted which was Option 3. Mr. Bell advised that the development of Option 3 was based on a lot of discussion around what the priorities were. We heard from the community and they did not want any additional rated capacity. We ran the numbers from the needs assessment and based on population projections of all 3 jurisdictions. Each jurisdiction is expected to increase. Logic says that if your population increases, it stands to reason that your jail population will increase as well. It was decided that every effort would be made to not increase the rated capacity of the facility. Ms. McKeel stated that the board told them that this was the first time they had received a presentation not asking for additional beds. Mr. Bell advised, we can scale back to option 1, 1A or 2. We are not increasing the rated capacity but we are not investing heavily into trying to meet the standard. There would be a large amount of "in kind" replacements. We will ask for the reimbursement for these improvements. The standard is very clear, it is not about a 1 for 1 replacement. There is no reason to think that we will not get reimbursement for Option 1, 1A or 2 however, they have not seen it. Mr. Pinkston stated that the challenge is that it is very difficult to make decisions about something until you have the information to be able to say what it is going to look like and the cost. To get to that point to make a decision, you have to invest money in architects, project management, etc. That is why this is very different from things that you can go out and buy such as a vehicle, etc. The cost information is very easy to get. It is very different than that of a renovation of this size. I appreciate your optimism

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about receiving the full 25%. For the Options other than 3, we are making assumptions about whether or not we will receive reimbursement. Mr. Downey (project manager) stated that he has worked on over a dozen detention facilities in the Commonwealth of Virginia. Many of them are Regional Facilities, some are not. I cannot share in the optimism of a 25% reimbursement for Option 1A. In that option, there is 1 for 1 systems replacement. Mr. Downey reviewed some of the facilities he worked with previously that received 0 reimbursement due to 1 for 1 replacements. Mr. Downey referenced a Daily Progress article stating that all of the projects that come before the Board of Local and Regional Jails are fully reimbursed at 25%. Mr. Downey stated that that information is not true. The risk to the board is if you go with Option 1, 1A or 2, where you do not have the state's commitment, you will be at risk with what will come back at the end of the process. Ms. McKeel asked if it was fair to say that we took Option 3 to the Department of Corrections, and they approved it for 25% reimbursement. That is the safest option that pretty much guarantees the reimbursement because we are doing what we said we were going to do and we get the 25%. Mr. Downey confirmed that this is the safest option to receive the reimbursement. In order to go with the other options, the state will want a revised plan presented to them which would reset the process. You would be adding approximately 3 years to the process. Mr. Downey stated that his primary role is to manage your risk and to watch your time and money. Ms. Draine asked why we only submitted one option to the Board of Local and Regional Jails, or could we have submitted 2 options. Mr. Bell stated that the practice is that you only submit 1. Mr. Bell further stated that you cannot submit a CBCP with 2 options. You could possibly submit 2 CBCP studies with 2 separate options. Mr. Bell stated that if you are submitting more than one option and you are not committed to one option, they may not accept either. This is one of the reasons a resolution is needed. They want to know that you are committed to your request.

Sheriff Embrey asked why the cell size of certain areas of the jail will not have to be brought up to meet the standard, why it wasn't part of Option 3 and will the board be back in 3-5 years to bring those areas up to meet the standard. Colonel Kumer advised Sheriff Embrey that those portions of the jail are built in such a manner with poured concrete and rebar that in order to bring them up to the standard. They can never (cost effectively) be brought to standard.

Ms. McGarry asked Mr. Hefty to explain to the public speakers why there were no board members at the community forums. Mr. Hefty advised that there cannot be 3 board members gathering in 1 space at the same time. It would constitute a meeting if there are 3 or more members, and it would need to be advertised as a meeting. The board made a decision to not attend the community forums in order to ensure that discussion from the community was not stifled.

The jail did not receive the full 25% reimbursement. There were things in there that were not approved for reimbursement. The reimbursement amount is 23.7%.

Ms. McKeel asked Colonel Kumer to explain how 3 options came about. Colonel Kumer advised that the other options came at the request of the community. The initial request was for an option that just addressed the FCA. Moseley provided that option. The next request was to not build new but renovate the west side. Moseley then provided another option. Then the community asked for an

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option renovating the 1975 portion of the jail. Moseley provided another option. It has been said that the numbers for the other options are arbitrary. They are not arbitrary. A formula was used based on the square footage of the area in question. That is how the figures were determined. That was done at the request of the community. The community does not consist of just the people in this room. The community consists of the hundreds of tours conducted as well as the people who work in this jail. My job is now to take all of the information and do the best that I can to try and accomplish what everyone is asking. Unfortunately the requests for additional options came at the end of the process which was too late at that point to submit through the entire process. Part of the delay in the process was that the funding should have been approved in March or April, however the approval wasn't given until September. The community input and community comments were not just those 3 sessions. I have been personally doing community input for over 2 years. I have toured hundreds of people through the jail. I have taken people through the jail and walked then through the process top to bottom for the past 2 years. There are people who are against this that have never set foot inside this jail. Never came to ask me a single question. Took no opportunity to have a sit down conversation with me, pull the plans out and walk through it step by step. There is an organization that I asked to speak at 3 times. I went to one of the members personally on 2 different occasions asking to speak at their meeting. We can take all of the time you want, discuss everything and get all of your input. For 2 years, I asked to speak at their organization and was denied each time. There is only so much we can offer the public, but if they don't come to me, there is nothing else we can do. I offered to come speak on weekends, evenings, etc. I would have taken all of the time in the world, but the community had to take me up on my offer. I truly wanted input.

Ms. McKeel gave all board members an opportunity to express their thoughts on the project.

**Mr. Pinkston** stated that a jail must take people that are dropped off at their door and deliver them to whatever endpoint the justice system has. It is not the job of the employees of ACRJ to determine what the justice system does. We want our jail to give the people incarcerated here opportunities to grow and change and be well taken care of. We need to be sensitive to the lived experiences of our inmates as well as staff. We could say we aren't going to do anything except the minimal option. For a community as wealthy and compassionate as ours, it's unconscionable not to make the renovation we need to make. It is not the role of ACRJ to make decisions about mental health. That is the role of jurisdictions, Region 10 etc. Our job is to focus on the jail and to run it as effectively and ethically as possible.

**Ms. McGarry** stated that it is our responsibility to do what will best improve the safety and security of the staff here, the inmates and visitors who come to this facility. It is our duty to do what's best to bring our facility up to the standard and maximizes the state reimbursement.

**Sheriff Embrey** stated that the conditions are horrible. Safety and security are the biggest measures that we need to be looking at. The board does not make mental health decisions. This is a facility based on incarceration and principles and ethics and that's what we need to be looking at. We have a duty right now to take care business and not leave this to our successors. We can put a Band-Aid on the problem, or we can fix the problem.

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**Mr. Barton** stated that he considers himself a public servant. In that one would act on what makes sense. The arguments that have been presented make sense that we need to do option 3. What has influenced my decision is the quality of this jail. Jails are not solutions to society's problems. This jail is remarkable in many ways. In its humanity to the people incarcerated here and the lack of turnover here. Option 3 makes sense, both economically and otherwise.

**Ms. Dimock** stated that the obligation of board members is to the jail's operations. We have an obligation to see what our current needs are and what they will be years from now. We have an obligation to think about the inmates, staff and community at the same time. We have an obligation to think about multiple needs, demands, and best practices at the same time to make this decision.

**Mr. Pastors** stated that he came to this jail for many years. I have always been an advocate for alternatives to incarceration. I have found that it makes a difference for the incarcerated individual what their experience is while incarcerated. One of my major concerns is that we have so many people that are incarcerated that have mental health issues. I agree that they should be in jail. With this renovation, there would be opportunities for more intense mental health programming in addition to reentry and other services as well.

**Lisa Draine** - I would like to take a moment to address my concerns around the proposed renovation: They are practical, process-related, and philosophical.

From a practical standpoint, a major renovation doesn't make sense to me. As I understand, the worst problems in this building derive from the old 1974 mechanical systems. For example, the HVAC system doesn't cool properly and so there's mold. Electrical systems need replacing. Pipes are leaky. In 2019 the decision was made to undertake a big renovation project rather than simply replace these old systems. The only people on the Board at that time, who still serve on this body, were Ms. McKeel and Sheriff Brown. But much has happened since 2019, including a global pandemic. Before COVID hit, the jail population was about 450 people. Today, the population is around 250, a dramatic drop. In addition, the section of the jail built in the year 2000 to house 120 inmates, is mostly empty – and it's in fine shape. I keep asking myself why we should dedicate millions of dollars to a facility with a population at its lowest level in 25 years (well under the rated capacity of 329) and one with unused cell blocks. The process has frustrated me. When the original \$49 Million dollar plan (which is \$73M with interest) was first presented to the Jail Board in December 2021 by Moseley Architects, and then submitted to the Board of Local and Regional Jails in May 2022, we were told that this plan was not set in stone – that it was essentially a placeholder – so that the Board of Local and Regional Jails would have a preliminary design to evaluate before sending it on to the General Assembly for approval of a 25% reimbursement.

I've been on this Board 2.5 years and have repeatedly been told that we'd have plenty of time to talk about the final plan and make adjustments. But that didn't happen. In addition, the majority of the seats (6) on the Board have turned in the past couple of years. Because so many people on the Board were new - and because it seemed like the right thing to do - asked to schedule a Board retreat or a Board work session to discuss the overall goals and scope of the proposed renovation. Didn't happen. What did happen was that one citizen representative was removed from the Board for expressing cost concerns, and another citizen rep was replaced for unknown reasons. In January, Moseley Architects was hired as the project's official architecture & engineering firm (previously they developed the Community Based Corrections Plan). They were the only company to respond to the RFP. In addition to the preliminary \$49M plan, Colonel Kumer asked them to

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prepare several less expensive options. These options were first available on the ACRJ website right before the first community forum on January 25th, but they weren't presented to this Board until last month - on Feb. 8th. We were also told last month that we would be voting today on which option to move forward with. To me, this really didn't seem like enough time to evaluate the various plans that we had just received and to hear the community feedback from the last two forums which took place in late February. We also hadn't gotten the results from surveys of the jail staff and the inmates. I asked that the vote be pushed back one month, to April, but was told "no": we had to stick to the timeline. It was decided to add an hour onto our meeting today to allow for discussion. These actions have indicated to me that serious consideration *was not given* to any other plan than that which was put forth in December 2021 for \$49M. I also object to the scale of this project on philosophical grounds. I think we can all agree that we have a crisis of mass incarceration in this country. Nearly 2 million people are behind bars in the U.S. - the highest rate of incarceration of any country in the world. We have 4% of the world's population, but 20% of the world's prisoners. We spend more money per incarcerated person than *per student*. Still, it's only in the past decade or so that we've come to understand how mass incarceration is just an extension of slavery and the Jim Crow era that followed. Some would say that slavery was never abolished; it just adapted. Since the murder of George Floyd and the uprisings that followed in the summer of 2020, we have a greater awareness of how the carceral system disproportionately criminalizes and punishes Black and Brown people. Black Americans make up just 13% of the U.S. population, yet they represent 40% of those in prisons and jails. We also know the carceral system doesn't work. If putting people in cages makes us safer, we'd be the safest nation in the world. If jail was really a deterrent to crime, no one would risk going back to prison by committing another crime. If punishment brought healing, those that have been harmed would feel great. This system is not only impractical, it's immoral. And while it would be nice to tell ourselves that ACRJ is not really *that* bad - after all, we're known as the best jail in the state - we cannot separate ourselves from the system. We cannot pretend we're not a part of it. We don't operate in a silo. We cannot evaluate the state of this building without considering what happens here. Please know that my comments are not directed at any person in this room or anyone who works here. My words are a condemnation of the system. A crisis of prioritization exists when we continue to pour millions of taxpayer dollars into structures, like this jail, designed to detain, humiliate, and harm poor members of the community. Doing so just perpetuates the system. And we are all implicated in the resulting harm.

- Do I want to live in a world where poverty doesn't exist, affordable housing is plentiful, and mental health needs are met? Of course! We all do!

- Do I want to live in a world where justice is about more than punishment and inhumane treatment? Yes!

- Do I want us to embrace a new definition of public safety - one that says we'll feel safe when everyone has what they need to thrive, not just survive? Of course!

- Do I want to live in a world without jails or prisons? Yes!

But I'm not naive. I know the system isn't going to change in my lifetime. This jail isn't going to be abandoned anytime soon. But we have to start somewhere. We have to start creating lasting alternatives to punishment and imprisonment, even if we're not sure what that will look like in the future. Everyone on this Board has a platform, especially the elected officials. I'm calling upon you all to use your individual positions to advocate for deep investment of our shared resources for community programs and services that both serve individuals re-entering society, and that address longer term solutions to issues that may lead someone to end up here in the first place. We have so many groups doing the work to transform lives here. Imagine if a fraction of the money set to go into this facility went instead to the Uhuru Foundation, or the Fountain Fund, Home to Home, City of Promise, the Women's Initiative, the Haven. Collectively WE have a really powerful platform. Just Imagine if tomorrow's headlines read, "Jail Board reverses course and opts to spend \$25M instead

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of \$49M on renovation. Board vows to invest in improving outcomes for those incarcerated and to work with community partners to further reduce the number of people in the jail.”

Now wouldn't *that* be amazing?!

**Sheriff Bryant** stated that she agrees with most of the previous speakers. I value the community's input but our position as a jail board should be looking out for the best interest of the inmates that are here as well as our staff. We can't control what the County, the City and Nelson does with the money that we choose not to spend. We can't make a decision as a board what the jurisdictions choose to spend money on. I have transported many inmates over the years and when they get in my car, they say "please take me to ACRJ". Conditions elsewhere throughout this state are much worse than ACRJ.

**Sheriff Brown** stated that he has been on the Jail Board since 2010 and over the years, there have been many systems that have had to be repaired numerous times. Members of the community and stakeholders were asked what things they would like to see as part of a jail renovation and then the price tag came in. Sheriff Brown stated that the price difference between option 1 and option 3 is approximately \$13 million dollars with the reimbursement for option 3. \$25 million for option 1 and \$38 million for option 3 after reimbursement. Sheriff Brown stated that he does understand that the systems issues need to be addressed, and that there are other mental health alternatives to jail but there are individuals with mental health issues that have done things and they need to be here. Those individuals would be able to receive mental health treatment within the facility. One of my other concerns is the size of the holding cells and we have not met that standard for years. In order for us to meet the standards, we would have to tear down this jail and build a new one and it would cost much more than \$38 million dollars.

**Mrs. Marshall** – Ms. Marshall stated that she holds the umbrella over the services that the City of Charlottesville provides works to keep people out of incarceration and to keep families together. Ms. Marshall stated that she has worked with non-profit organizations as well as mental health. My work here is to sit as the representative for the City Manager's office. My goal is keep people out of positions where they might find themselves incarcerated.

**Ms. McKeel** stated that we have a generational opportunity. We have gone all of these years and we have an opportunity to make a difference. This jail has no debt. Being debt free gives us an opportunity to take out another mortgage. We have the financial resources. We can take on the bond debt and not impact the CIP for the localities. One of the biggest reasons to renovate the jail is to make it more humane. When we treat our incarcerated individuals in a humane way, upon release they aren't as angry. Their health is better and more connected with the community in a positive way. I feel an urgency to do this renovation because of climate change. We don't want inmates or staff having to be in a sweat box because of the issues with the systems. It is an urgent need to get this renovation done. One of the staff members stated "Let's upgrade the jail we have and make it a more humane and safe environment and have it match the high standards we set for the rest of this community."

Mr. Pinkston made a motion to approve Option 3. Ms. McGarry seconded the motion.

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Roll Call was as follows:

Mr. Barton	Yes
Sheriff Embrey	Yes
Ms. McGarry	Yes
Mr. Pinkston	Yes
Ms. Marshall	Yes
Ms. McKeel	Yes
Ms. Dimock	Yes
Mr. Pastors	Yes
Ms. Draine	No
Sheriff Bryant	Yes
Sheriff Brown	Yes

The motion carried by majority vote.

### **New Business:**

There was no new business.

### **Closed Session:**

There was no need for a closed session.

Ms. McKeel adjourned the meeting to April 11, 2024 at 12:00 pm.

The meeting adjourned at 1:58 pm.

**DRAFT**



Bi Monthly Board April 11, 2024

**DRAFT**

**Summary Minutes of the  
Albemarle Charlottesville Regional Jail Authority Board Meeting  
April 11, 2024**

**Jail Board Members Present:**

Ms. Diantha McKeel  
Ms. Lisa Draine  
Ms. Kaki Dimock  
Mr. Brian Pinkston  
Mr. Robert Barton  
Mr. David Pastors  
Sheriff Mark Embrey  
Ms. Ashley Reynolds Marshall

**Jail Board Members Absent:**

Ms. Candice McGarry  
Sheriff James Brown  
Sheriff Chan Bryant

**Others Present:**

Colonel Martin Kumer  
Mrs. Marce Anderson  
Mr. Brendan Hefty

The meeting was called to order at 12:04 pm by Chairperson Diantha McKeel.

Ms. McKeel began the meeting with introductions.

Ms. McKeel asked for a motion to adopt the agenda. Ms. Dimock made a motion to adopt the agenda. Mr. Barton seconded the motion.

Roll Call was as follows:

Mr. Pinkston	Yes
Ms. McKeel	Yes
Ms. Dimock	Yes
Mr. Barton	Yes
Ms. Draine	Yes
Sheriff Embrey	Yes

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Mr. Pastors Yes

The motion carried.

Ms. McKeel asked for a motion to approve the consent agenda without the minutes. There is some information that Mrs. Anderson will go back and add to the minutes due to the length of the previous meeting. Mr. Pinkston made a motion to approve the consent agenda without the previous meetings minutes. Mr. Pastors seconded the motion.

Roll Call was as follows:

Ms. Draine	Yes
Ms. Dimock	Yes
Mr. Pastors	Yes
Mr. Barton	Yes
Sheriff Embrey	Yes
Mr. Pinkston	Yes
Ms. McKeel	Yes

The motion carried.

### **Matters from the Public:**

There were no matters from the public.

### **Matters from Brendan Hefty, ACRJA Attorney:**

Mr. Hefty advised that the General Assembly is still working on the budget.

Mr. Hefty prepared a brief presentation on the Freedom of Information Act (FOIA). FOIA is a state law that was passed by the General Assembly years ago. It guarantee's Virginia citizen's rights to do things such as access to public records and access to public meetings. Those 2 things are the major benefits of this law. The jail board is a public body. The records you create while conducting business are public records and the meetings are public meetings. It is written into the law that there is a general bend toward transparency and openness. That is the purpose of the law. If you're going to deviate from that openness, you must find a specific reason in the code for exemption to not disclose those records. Public records are all writings or recordings prepared by the public body or staff in the transaction of public business. It includes all correspondence. Any emails about the jail, or letters about the jail. The content of the correspondence is the issue, not the device. Text messages, personal email etc. The request is typically in writing. This ensures the clarity of what is

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being requested, but it does not have to be in writing. An individual calling and requesting documents is considered a FOIA request. You have 5 working days to respond to the request but if you need additional time, you can ask for an extension which would allow 7 additional working days to fulfil the request. You can charge for the records. You can charge the hourly salary of the individual producing/ preparing the records and the time it takes for them to be produced / prepared. A response has to produce records. You do not have to answer questions, nor do you have to create records that do not exist. Every public body must have a FOIA officer. This is the key person to produce documents for a FOIA request. There are many records that are exempt from the mandatory disclosure requirements such as personnel records. Inmates are not permitted to enter FOIA requests while incarcerated. Once they have been released, they can FOIA records. Inmates are able to request medical records during their incarceration.

Mr. Hefty advised the board that a public meeting is defined as a gathering of 3 or more members. If more than 2 members are together to discuss jail business, it is considered a public meeting and must be noticed to the public. There must be quorum (6 members) present in order to take any action at a meeting. There are exceptions. There is a policy that allows members to remote in to a meeting if a quorum is physically present and there must be a policy allowing this to take place. We have adopted a policy. The General Assembly has adopted a policy stating that the electronic participation policy must be adopted each year. If the board is voting on the budget, there must be a majority of the membership that votes in the affirmative for the action to pass. There is an exception to the open meeting policy which is for the board to go into closed session. There must be a specific reason for going into closed session, and that is the only topic that should be discussed in closed session. No action can be taken in closed session. It must be taken in open session.

Mr. Hefty further stated that one of the exemptions would be attorney client privilege. That privilege is lost if the information is shared outside of the organization.

### **Matters from the ACRJA Board Members:**

Ms. McKeel stated that the May meeting could be canceled. We will not be canceling it now but it may be canceled due to the lack of information to be discussed.

Ms. McKeel advised the board that May 5-11 is Municipal Clerk's week. Ms. McKeel asked for a motion to present Mrs. Anderson with a proclamation. Mr. Pinkston made the motion. Ms. Marshall seconded the motion.

Roll Call was as follows:

Ms. Dimock	Yes
Mr. Pinkston	Yes
Mr. Barton	Yes
Sheriff Embrey	Yes
Ms. Marshall	Yes

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Ms. McKeel	Yes
Ms. Draine	Yes
Mr. Pastors	Yes

The motion carried.

Ms. Draine reminded the board of the events taking place at the Tom Tom Festival the following week.

## **Matters from Ann Shawver, Business Manager:**

### **Summary FY24 YTD**

As of the eight-month period ending February 29, 2024, the projection for FY24 estimates a budgetary surplus of \$59,000. This is a significant improvement from earlier projections foretelling a loss for the year and is mainly the result of an increase in the expected revenue from the State Compensation Board. As reported throughout the year, several revenues will fall shy of their estimate and some expenditure challenges exist. Projections will continue to be updated as the fiscal year comes to a conclusion.

### **Revenues**

-Revenues in total are 64% of the estimate, slightly off the 67% ideally desired at the two-thirds point of the fiscal year. However, for the year once completed, revenues are currently projected to produce a \$417,000 surplus over the estimate.

-This is driven by the updated projection of Compensation Board revenues, expected to exceed the adopted estimate by \$575,500.

-Member jurisdiction contributions are slightly below target; however, this category should exactly meet budget.

-State per diem payments have been strong thus far and are expected exceed the budget. The projection anticipates one final quarterly payment.

-Phone system revenues are low in the early part of the year; however, the revenue estimate will be met with receipt of the minimum guaranteed amount by the close of the fiscal year.

-Housing of federal prisoners and DOC reimbursements continue to perform below estimate, demonstrating continuation of trends of low state and federal prisoners. Budgetary shortfalls are expected as a result.

-Interest revenue, while not budgeted, is posting strong performance as a result of deposit of funds to the State Treasury's Local Government Investment Pool (LGIP). Earnings of approximately \$11,000 are received monthly. As of early April, the daily liquidity LGIP fund in which ACRJ is invested was returning a net yield of 5.5%.

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February FY24 Financial Report 4/11/24

-Other revenue is lagging the expected amount through February and is expected to fall short of the estimate with several budgeted sources of revenue not expected to provide any funding. No funding is currently projected to the operating fund from the inmate canteen account which has typically helped fund two positions dedicated to elective services for inmates. Revenue of \$30,000 was expected from housing of inmates from other jurisdictions, but none has been received thus far.

## **Expenditures**

-Expenditures in total are 69% of the budget and are currently projected to exceed the budget by approximately \$321,000 with a number of expenditure categories contributing to this overall situation.

-Salaries and benefits are tracking as expected at 66% of the budget. The 2% pay increase effective December 1st will cause these expenditures to increase the remaining months of FY24. Overtime and part-time wages are expected to decline the latter part of the fiscal year. This category is projected to end the year below budget.

-Contractual Service expenses are over budget as impacted by the continued use of contract nursing services. Though hiring efforts are in place, this category will significantly exceed the budget for the year. Another item affecting this category is the fact that both the FY22 and FY23 external audit fee will be incurred in this fiscal year based on the timing of the completion of the audits. No audit fee was incurred in FY22.

-Inmate food and medical costs are well below budget through February. Reduced inmate medical expenses have been incurred so far in FY24 as a result of refunds of prior payments, and this is expected to continue throughout the year. As a result, significant budgetary savings is expected for inmate medical.

-The inmate other category is ahead of target and expected to exceed budget for the year as a result of linen and uniform costs in excess of budget. The employee food and uniform category is experiencing a similar result.

-The other operating costs category is ahead of target and expected to exceed budget for the year. Advertising costs, inmate fund expenditures (which have a revenue offset), police supplies, and kitchen repair and maintenance items are driving factors.

-The facility category is ahead of budget through February and will exceed the budget for the year due to repair and maintenance needs of the facility incurred this year.

-Capital outlay expenditures are ahead of target. Expenditures for kitchen and other equipment and a vehicle purchase have taken place. The FY24 projection assumes purchase of all items budgeted within this category.

**Recommendations:** None at this time.

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## **FY25 Recommended Budget**

### **Summary:**

-The recommended budget for FY25 is \$17,896,000, an increase of \$1,234,000 or 7% over the FY24 adopted budget.

-Member funding for operations has increased \$641,000 or 7% compared to FY24

-Estimated interest only funding of \$200,000 is allocated to members for debt service on the bank loan which will fund the design phase of the renovation.

-See Attachment: ACRJ FY25 5-Year Census for Jurisdictional Share (can be found at ACRJ.org)

### **Operating Fund**

#### **Revenues: Non-Jurisdiction**

-FY25 Non-Jurisdiction Revenues of \$8,065,000 are estimated increase nearly 8% as compared to FY24 at \$7,472,000.

-Compensation Board funding is leading the growth in FY25 revenues with an estimate of \$6,896,000, a significant increase when compared to the \$6,142,500 adopted for FY24.

-Inmate Telephone Revenue is estimated to remain stable at \$250,000 for FY25.

-Revenue estimates related to federal prisoners has been reduced fairly significantly based on current trends, and recovered costs are not expected from the Canteen Account, resulting in budgetary declines in FY25.

-Interest earnings have grown significantly since ACRJ established an account with the State Treasury's Local Government Investment Pool (LGIP) in early FY24. Earnings of \$100,000 are forecast for FY25. No revenue was budgeted for interest earnings in FY24.

#### **Expenditure: Employee Salaries and Benefits**

-A detailed analysis of personnel and benefits was developed in support of the budget for salaries and benefits. The budget funds 127 filled positions as well as a half year on another nine vacant positions while leaving twenty-five positions unfunded.

-The budget reflects a 3% increase in compensation, a 4% increase in the employer share of medical costs, a 5% increase in the employer share of dental costs and increased retirement contribution rates as communicated by VRS (16.2% for FY25 compared with just over 13% in FY24).

-Total salaries and benefits increased \$630,000 or 5% and retain some conservatism since filled positions are 100% funded even though certain vacancy will occur.

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-The salaries and benefits of the twenty-five unfunded positions totals approximately \$2.1 million.  
-The budget for overtime decreased slightly from FY24 to a FY25 total of \$200,000, while part-time salaries are expected to remain stable at \$300,000. In times of significant vacancy, these budgets may not be adequate but savings in regular salaries are adequate to supplement.

-The most significant benefits increase is retirement benefits, expected to increase \$163,500 or nearly 14% due to the VRS contribution rate increase

-Although medical insurance rates will increase, the budget actually reflects a slight decrease which is influenced by current plan enrollment compared with that of a year ago

-Employer FICA also increases along with salary increases.

### **Other Expenditures:**

-FY25 Non-Employee Expenditures of \$4,165,000 reflect an increase of \$604,000 or 17% compared with FY24 of \$3,561,000.

-While various line items reflect increases or decreases compared with FY24, the main driver of the overall increase is Contract Nursing. A new line item is being created to separately track this costly outside service, and funding of \$500,000 has been added to the budget accordingly. This was previously included within the Contract Services – Other line.

-Budgets for several accounts were reduced in the FY25 budget to more accurately reflect recent cost trends. This includes Water and Sewer Utilities, Food Supplies – Inmates, Health Services – Other, and Pharmaceutical Drugs.

-Conversely, the budgets for some other accounts were increased in FY25 based on recent cost trends. This includes Maintenance Contracts, Advertising, Electric, and Repair and Maintenance Supplies.

-The budget for Professional Services – Audit increased since ACRJ is now its own entity and not a part of the greater Albemarle County audit contract.

-Funding of capital replacement increased \$13,000 in the FY25 budget, up to a total of \$193,000 from \$180,000 in FY24.

### **Debt Service Fund**

-A budget of \$200,000 is estimated for the interest-only debt service costs on interim financing of the jail renovation project. This is apportioned to member jurisdictions using the same three-year average census used in the operating budget.

-The FY25 budget reflects a reduction from the \$263,000 budgeted in FY24 when the estimated borrowing amount and interest rate were more conservative.

**Recommendation:** Adopt the FY25 budget.

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Ms. McKeel asked for a motion to approve the FY25 \$17,896,000 budget. Mr. Pinkston made the motion. Mr. Pastors seconded the motion.

Roll Call was as follows:

- Mr. Pastors
- Ms. McKeel
- Mr. Barton
- Sheriff Embrey
- Mr. Pinkston
- Ms. Marshall
- Ms. Draine
- Ms. Dimock

The motion carried.

### Reserve Policy

The Operating Reserve requirement is articulated in Section 5.3 of the Service Agreement. It calls for an Operating Reserve Fund of not less than 20% of the annual budget less debt service.

Fiscal Year End	Audit Status	Reserve Balance	Operating Budget	Budget Year	Reserve as % Budget
6/30/2021	Audited	2,316,571	16,037,309	FY22	14%
6/30/2022	Audited	2,919,258	16,599,398	FY23	18%
6/30/2023 a	Unaudited	3,728,580	16,662,000	FY24	22%
6/30/2024 b	Unaudited	3,787,580	17,896,000	FY25	21%

a - the external audit is underway. The unaudited increase in the reserve is \$809,322

b - this year is incomplete. An increase in the reserve of \$59,00 is projected as of April 2024.

### Status of Reserve

The following chart demonstrates compliance with this requirement is expected as of June 30, 2023, pending completion of the external audit. Current expectations are that the reserve requirement will continue to be met at June 30, 2024 when the higher FY25 budget is the basis. Continued monitoring of the reserve as a percent of the applicable budget will be performed as the FY23 audit is completed and FY24 comes to a conclusion as well as during FY26 budget preparation.

**Recommendations:** None at this time.

### Matters from Superintendent, Martin Kumer:



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**Renovation Update** – We are currently in the schematic design phase. We are trying to decide where the walls are going to be; how the doors are going to swing and other minute details. My Command staff is knee deep in design work.

Ms. Draine asked when the board would be able to see the schematic design. Colonel Kumer advised that he did not know but is hoping to have areas to present in June. It will most likely be presented by showing the different individual areas, not the entire schematic design as a whole for security purposes.

Mr. Pinkston asked how much design information is typically shared with the public during the renovation of a jail because obviously there are some risks to doing that. Mr. Hefty advised that the common practice has been general schematics. Permit ready drawings that show architectural details such as HVAC systems, etc. have not been part of the public discussion.

Mr. Pinkston asked if board members could set up a time to meet with Colonel Kumer to go over the schematic design. Colonel Kumer advised yes.

### **New Business:**

There was no new business.

### **Closed Session:**

There was no need for a closed session.

Ms. McKeel adjourned the meeting to May 9, 2024 at 12:00 pm.

The meeting adjourned at 1:08 pm.

**DRAFT**

## **CONSENT/AGENDA**

### **PERSONNEL/NEW HIRES:**

Juan Perez-Diaz	Corrections Officer	06/10/2024
David Ballou	Corrections Officer	06/24/2024

Lids Reconciliation (State Bonus Payment Breakdown) and Final Out of Compliance Figures

<b>Out of Compliance Report</b>					
	<b>6/12/2024</b>				
Total number of State Responsible Inmates in the custody of the jail that received a bonus payment	<b>39</b>				
Minus the number of State Responsible inmates assigned to the Home Electronic Incarceration Program	<b>0</b>				
Minus the number of State Responsible inmates with less than 60 days until their scheduled release	<b>1</b>				
Total number of State Responsible Inmate physically in-custody who are eligible for intake	<b>26</b>				
<b>Percentage of State Responsible Inmates compared to the Jail's total Inmate Population</b>	<b>10.27</b>				

<b>2023-2024</b>	<b>COA</b>	<b>City</b>	<b>Nelson</b>	<b>Federal</b>	<b>Other</b>	<b>Total</b>
<b>July 2023</b>	3,819	3,638	1,187	106	149	8,899
August	3,793	3,665	1,174	107	127	8,866
September	3,800	3,605	1,192	179	84	8,860
October	3,732	3,516	1,224	169	128	8,769
November	3,146	3,140	1,184	181	126	7,777
December	3,346	3,013	1,273	178	66	7,876
<b>January-24</b>	3,450	2,856	1,309	157	148	7,920
February	3,311	2,806	1,032	165	116	7,430
March	3,264	2,993	983	194	150	7,584
April	3,154	2,638	999	197	78	7,066
May	3,210	2,942	1,177	378	108	7,815
June 2024						
<b>Total FY 22/24</b>	38,025	34,812	12,734	2,011	1,280	88,862
<b>ADP</b>	<b>114</b>	<b>104</b>	<b>38</b>	<b>6</b>	<b>4</b>	<b>266</b>
<b>Percent</b>	42.79%	39.18%	14.33%	2.26%	1.44%	100%
<b>Local Share</b>	<b>44.43%</b>	<b>40.68%</b>	<b>14.88%</b>	<b>0.00%</b>	<b>0.00%</b>	100%

# ICWFP STATS 2024

Departments	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total Hours
<b>ALBEMARLE COUNTY</b>	0	0	0	0	0	0							
<b>VDOT</b>	0	0	0	0	0	0							
<b>PROGRAM TOTALS</b>													
<b>DOLLAR CREDITS</b>													

## **Special Management Housing at ACRJ**

During the month of June 2024, special management housing stats are as follows:

- 46 inmates were assigned to Administrative/Mental Health Segregation
- 4 inmates assigned to Protective Custody
- 25 inmates were assigned to Medical Segregation
- 17 inmates were assigned to Pre-Hearing or Disciplinary Detention

**Albemarle-Charlottesville Regional Jail Authority Board  
Executive Summary**

**Subject: HEI Update**

**Total number of inmates placed on HEI: 815**

**Current total number of HEI participants: 13**

**Current HEI participants by court:**

Albemarle County Circuit Court-	4	Charlottesville City Circuit-	4
Nelson County Circuit Court-	1	Nelson General District-	1
Albemarle General District-	0	Charlottesville General District-	1
Albemarle J&DR-	0	Charlottesville J&DR-	1
Nelson J&DR-	0	Department of Corrections-	0
Combined Courts-	0	(1. Albemarle General District/Charlottesville General)	
		(2. Albemarle General District/Albemarle Circuit)	
Other Cities/Counties-	1	( )	

**Total number of inmates recidivate: 15**

8 were removed from the program after being charged with a criminal offense while on HEI.

Violation of protective order, guilty-	1
Simple assault / strangulation-	1
Simple assault, damage / prevent phone line-	1
Possession of a firearm, marijuana PWI sell-	1
Domestic assault 3 <sup>rd</sup> offense-	1
Actual or simulated masturbation in public-	1
Rape: Intercourse by Force/Threat	1

152 participants have been removed from HEI for violations including the 8 above.

**HEI Participants by Court**

Albemarle County Circuit Court-	132	Charlottesville City Circuit-	157
Nelson County Circuit Court-	39	Nelson General District-	6
Albemarle General District-	200	Charlottesville General District-	122
Albemarle J&DR-	3	Charlottesville J&DR-	26
Nelson J&DR-	3	Department of Corrections-	4
Combined Courts-	36		
<b>Total-</b>	<b>728</b>		

**Albemarle-Charlottesville Regional Jail Authority Board  
Executive Summary**

**Other Cities/Counties**

Waynesboro-	2	Staunton City-	1
Cumberland-	1	Fluvanna-	7
Orange-	2	Buckingham-	6
Greene-	9	Louisa-	6
Sussex-	1	Prince Edward	1
Richmond-	1		
<b>Total-</b>	<b>37</b>		
<b>Misc. (Hospital, etc.)-</b>	<b>50</b>		



**ALBEMARLE-CHARLOTTESVILLE REGIONAL JAIL AUTHORITY  
EXECUTIVE SUMMARY**

<b><u>AGENDA TITLE:</u></b> Renovation/Construction Update	<b><u>AGENDA DATE:</u></b> July 11, 2024
<b><u>SUBJECT/PROPOSAL/REQUEST:</u></b>	<b><u>FORMAL AGENDA:</u></b> Yes
<b><u>STAFF CONTACTS:</u></b> Martin Kumer, Superintendent Ann Shawver, Financial Consultant	<b><u>ACTION ITEM:</u></b> Yes
	<b><u>ATTACHMENTS:</u></b> Yes

**Background:**

The FY 24 budget was developed in late 2022 and early 2023 and adopted in May of 2023. The figures and schedule used to determine the amount of jurisdictional funds to provide debt service for the design phase at that time were believed to be accurate based on available information. At that time it was estimated that the Board Authority would borrow \$5.3 million over the course of 12 months at approximately 5% resulting in an interest only of debt service of \$263,000.

However, the final financing terms per the RFP as approved by the Board Authority at the December, 2023 meeting established a principle amount to be borrowed of \$4.5 million at 4.49% interest.

In addition, the design phase was initially scheduled to begin immediately following the formal adoption of the state budget that would include the projects 25% reimbursement. However, the adoption of the state budget was delayed until August 2023. Due to this delay the planning and design phase did not begin to incur costs until January 1, 2024.

Also, the facility did not draw down from the loan until the final week of June 2024 in the amount of \$659,504.35 as the invoices were paid using operational funds. Please see attached excel spreadsheet detaining incurred costs.

**Conclusion:**

As a direct result of the project incurring less costs for a shorter duration than initially estimated the total interest incurred during FY 24 will be less than \$1,300 resulting in a positive variance of \$261,700.

Albemarle County Share: billed: \$119,376, interest: \$590.07, variance: \$118,785.93  
City of Charlottesville Share: billed: \$104,858, interest: \$518.18, variance: \$104,338.81  
County of Nelson Share: billed: 38,766, interest: \$191.49, variance: 38,574.

Note: The FY 25 debt service share for all three jurisdictions is:

Albemarle \$90,920  
Charlottesville \$77,340  
Nelson \$31,740

**Recommendation:**

**Allow the facility to maintain the positive variance of approximately \$261,700 in a separate debt service fund to be used at the direction of the Board Authority to service future debt.**



**ALBEMARLE-CHARLOTTESVILLE REGIONAL JAIL AUTHORITY  
EXECUTIVE SUMMARY**

<p><b><u>AGENDA TITLE:</u></b> Department Update: Programs</p> <p><b><u>SUBJECT/PROPOSAL/REQUEST:</u></b></p> <p><b><u>STAFF CONTACTS:</u></b> Robert Barnabei, Deputy Superintendent</p>	<p><b><u>AGENDA DATE:</u></b> July 11, 2024</p> <p><b><u>FORMAL AGENDA:</u></b> Yes</p> <p><b><u>ACTION ITEM:</u></b> No</p> <p><b><u>ATTACHMENTS:</u></b> No</p>
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**Background:**

The Board has elected to hear from time to time each of the Facility's departments.

At the July, 2024 the Board will here from the jail's multi-disciplinary transitional team who will discuss their work transitioning individuals from incarceration to the community who suffer from mental illness and substance abuse issues.

The presenters will include Lisa Henley, Jail Transition Coordinator, Laura Gibson, Nurse Practitioner and Virginia Leavell, Transition Coordinator for Partner's for Mental Health.

**Recommendation:**

**None**

**ALBEMARLE-CHARLOTTESVILLE REGIONAL JAIL AUTHORITY  
EXECUTIVE SUMMARY**

<b><u>AGENDA TITLE:</u></b> Nursing Contract Update	<b><u>AGENDA DATE:</u></b> July 11, 2024
<b><u>SUBJECT/PROPOSAL/REQUEST:</u></b>	<b><u>FORMAL AGENDA:</u></b> Yes
<b><u>STAFF CONTACTS:</u></b> Martin Kumer, Superintendent	<b><u>ACTION ITEM:</u></b> No
	<b><u>ATTACHMENTS:</u></b> No

**Background:**

Since the pandemic, the facility has, when needed, relied on a nursing contract to fill vacancies for our licensed practical nurses.

In FY 24 the facility averaged approximately five full-time contract nurses at a contract rate of \$70.00 per hour.

Throughout the course of FY 24, the facility has been continuously working to retain and recruit facility nurses. However, the on-going demand for qualified nursing staff has made it difficult to eliminate the need for contract nursing.

As a result of a collaborative effort led by Rachel Gaddis, Health Services Administrator for the facility, we have been able to retain current staff, recruit two new nursing staff and hire three of our former contract nurses.

We have adopted a more flexible work schedule that is in line with current industry standards and instituted a three tiered compensation package. Each tier represents a specified level of expertise, as well as responsibility and levels of supervision. This offers our current nurse an opportunity to grow their skill sets and earn higher compensation.

The total cost of contract nursing for FY 24 was \$546,703.35.

**Conclusion:**

As of July 1, 2024, the facility has one contract nurse at a rate of \$70.00 per hour. We will continue to work toward eliminating the need for future contract nursing.

**Recommendation:**

**None**