

TERM OF COMMISSION: February Session of the January Adjourned Term

PLACE OF MEETING: Roger B. Wilson Boone County Government Center
Chambers

PRESENT WERE: Presiding Commissioner Dan Atwill
District I Commissioner Fred Parry
District II Commissioner Janet Thompson
Senior Buyer Liz Palazzolo
County Counselor C. J. Dykhouse
Collector Brian McCollum
Treasurer Tom Darrough
Director Human Resources Jenna Redel
Deputy County Clerk Mike Yaquinto

The meeting was called to order at 9:31 a.m.

Purchasing

- 1. Second reading; Cooperative Contract IFB605CO18000580 – Purchase one (1) 2018 Chevrolet Colorado Crew Cab and dispose of one (1) 2005 Ford Explorer (1st read 2-15-18)**

Commissioner Parry moved on this day the County Commission of the County of Boone does hereby approve the utilization of the State of Missouri Department of Transportation Cooperative Contract IFB605CO18000580 to purchase one (1) 2018 Chevrolet Colorado Crew Cab 4x2 Truck from Roberts Chevrolet Buick of Platte City, MO and dispose of one (1) 2005 Ford Explorer, asset tag 15112.

The terms of the Cooperative Contract are stipulated in the attached Purchase Agreement. It is further ordered the Presiding Commissioner is hereby authorized to sign said Purchase Agreement and request for disposal form.

Commissioner Thompson seconded the motion.

The motion carried 3 to 0. **Order #89-2018**

2. Second reading; Bid Award 46-06DEC17 – Computer Output to Microfilm Service (1st read 2-15-18)

Commissioner Thompson moved on this day the County Commission of the County of Boone does hereby award bid 46-06DEC17 – Computer Output to Microfilm Service to US Imaging, Inc. of Saginaw, MI.

Terms of the bid award are stipulated in the attached Purchase Agreement. It is further ordered the Presiding Commissioner is hereby authorized to sign said Agreement.

Commissioner Thompson seconded the motion.

The motion carried 3 to 0. **Order #90-2018**

3. Second reading; Bid Award 40-16OCT17 – Detainee Telephone System (1st read 2-15-18)

Commissioner Atwill said he will break from standard procedure for the purpose to allow public input on this matter and then give staff time to respond if desired.

Rusty Antel said that in thinking this through, I looked at paragraph 3.16.8 of the RFP- Revised, which basically says that the county goal is to keep the cost to the users as low as practicable while generating sufficient revenue to support the phone system and cover the administrative costs to the county and that the county does not want money in excess of the recovery of the administrative costs. Also, in 3.16.8, sub A, it says the county has set the administrative costs at \$10,000 for the fiscal year with a CPI increase.

In looking at this, we believe that the best approach is to take proposal #1 which provides services to detainees and their families at 4 cents per minute. That is a 96% savings from the current system which basically costs \$1.00 per minute, or \$14.99 for a 15 minute collect call. That is the predominant way, at least as an attorney, I get calls and that is what my clients tell me when talking to their families. This is a very impressive savings.

When CenturyLink looked at this, they took 743 minutes of usage per detainee per month, using 225 detainees as the base number. We looked at this a little more conservatively and used 700 minutes and 200 detainees which is a little under the average of 205-210. That calculates out to 1,608,000 minutes of detainee phone usage per year. At 4 cents per minute, that would bring CenturyLink \$67,200 and with a 17% commission, Boone County would get \$11,424 which is slightly over the \$10,000 goal. Since this provides the lowest cost to detainees and families and covers the county administrative costs with a little cushion, we think the county should take the 4-cent proposal instead of the 10-cent proposal.

On the other side, while the 10-cent proposal will save 90%, using the more conservative numbers, it would produce \$101,000 in commission for the county each year which is \$90,000 more than what the county says it needs to cover administrative costs. That should not be funded by the vulnerable people in our jail and their families who really, by and large, are the poorest of the poor who live in Boone County.

Gary Oxenhandler said that everyone here is aware of the history behind this. Almost 100% of the people in our jail are presumed innocent, very few people in the jail are convicted. There has been a tremendous change in the demographics within the jail population in the past 25 years. When the jail was built in the 90's, 80% had been convicted of a misdemeanor. We don't do that anymore. That's not the way we, in Boone County, deal with our population. We always paid a lot of attention to the people in our jails.

When looking at the numbers, I was not picking up on the \$50,000 to \$60,000 per year that was coming into the county budget. When we looked at this, the county was making up to \$60,000 per year and in one year, it was over \$100,000. It's great to have revenue, but that is not the philosophy here and as Rusty said, we have the poorest of the poor here. We are trying to move people through the system as quickly as possible and now we have this tremendous mental health problem in our jail. The only correspondence to the outside world is the phone system.

We are taxing the people, the innocent people, they may be found guilty, but they are detainees who have not had their day in court yet. We are producing all this money. Looking at going from \$1.00 per minute to 10 cents, that's great, but the risk is you are going to cost the detainees \$100,000 to use the phone system per proposition #2. The money is coming from people who have no money. We should not only take the high road, but the lower cost one. My concern is that we are taking it out of the detainee's pocket and there is nothing that can be done once we go down this road due to the signing of a contract. We will produce all this money at the 10-cent level.

In 2009, when this current contract was written, it was the stated goal to create profit. All this and more than 60% going to the county, this excess money created. That is not the nature of Boone County and how we treat people in our jail. We would like you to look at the 4-cent per minute proposal which produces more than the \$10,000 needed to cover the administrative costs.

I can hear, on the other side, these are pie-in-the-sky numbers. CenturyLink provided numbers for this proposal and they have said when switching to them, you will see a 20-25% increase and the drop in cost is so extra-ordinary, you are going to see a huge jump. They gave us an example of what is going on in Jackson County and other places in the U.S. where 740-760 minutes is typical.

Rusty Antel said that CenturyLink services a county in West Virginia and charges them 3 cents per minute, comparable to the 4 cents we are advocating. There, it is 776 minutes per detainee, so the 743 they are using for here is relatively accurate. We went with a lower, more conservative number. The current system, because of the cost, suppresses phone calls. Yesterday, I was talking to a sister of a client who is in jail, and she said they can't continue to accept the collect calls. This makes it very difficult for clients to communicate.

A Public Defender was complaining about how difficult it is to find time for visitations to the jail because there are only three visitation rooms. They end up making visits in the evening, weekends and very early in the morning. So often, a quick phone call can solve a problem for one of the detainees. I can't emphasize enough, as Gary said, the current population is 96 - 98% pre-trial. About a year ago, the Sheriff's Department started call them detainees, not inmates which had a connotation of guilt. The vast majority will be convicted of something, but they are held pre-trial. It is important to do this at the lowest cost possible recognizing the county has to cover the costs and the 4 cents per minute can accomplish both.

Commissioner Atwill said that in spite of the suggestions by CenturyLink or any other phone company, and we have had plenty of dealings with them on other issues, the projections are somewhat suspect. This may not be the final end where we go with this, but we spend taxpayer's money to the tune of \$25 million per year on law enforcement which is about 1/3 of the county budget. So, anywhere money can be saved, we have to look at it.

Gary Oxenhandler said that the problem with the analysis, if our numbers are correct, or maybe in-between, anything above the \$10,000 to cover the administrative costs, whether it is \$100,000, \$50,000, or \$20,000, you are still making the detainee pay. Why, in Boone County, do we tax the poorest of the poor. Generally, no one cares about the people in the jail. This amount, the extra money, that might be produced, is being paid by them. We need to figure out something else for it, something for the benefit of the detainees. We have been making \$50,000/year since 2009, to the tune of \$1 million and the detainees have been paying this. The rate is going down, but we have been gouging them at the \$1.00 rate.

Commissioner Parry asked Mr. Oxenhandler, as a judge, did he assign court costs and fees to defendants who appeared before the court.

Mr. Oxenhandler said there are charges, but that is something he did not monitor.

Commissioner Parry said this seems to be the same thing where there are fees for the poorest of the poor.

Mr. Oxenhandler said the charges occur at the end of the process. If not guilty, there is no obligation.

Commissioner Parry said it seems somewhat unfair to characterize this money as profit. The citizens of Boone County so heavily subsidize jail operations to a shocking amount. I think if the general public knew what the costs were for these services for people who may or may not be guilty they would want to know why. On top of that, the State of Missouri Department of Corrections is almost \$600,000 behind in reimbursements to the county and we probably won't see a big chunk of that money. In some respects, the jail is a business operation. No one else gives us money to operate the jail. We have to find ways to fund jail operations through the various services that are provided and then through the taxes paid by the citizens.

It does no one any favors to quote CenturyLink. They have a horrible history with this county. I believe it is quite vindictive to even quote numbers. There is a bad-bad history with the jail and CenturyLink. So, automatically, we dismiss those numbers. In some respects, what you are proposing makes sense if the numbers pan out. The Sheriff has said that it will only take \$10,000 to recover the administrative costs, but if your calculations are wrong and CenturyLink has misled you, we don't have a safety net.

Mr. Oxenhandler said that you should charge the 10 cents and take any of the excess over the \$10,000 and put it towards the Alternative Sentencing Court instead of pocketing the money.

Commissioner Parry said the county is not pocketing the money, we are pumping so much money into jail operations.

Mr. Oxenhandler said the money pumped into the jail population comes from the population as a whole. The telephone costs pertain to the detainees.

Commissioner Parry said since we are losing the \$50,000, maybe we should cut back on the quality of the food we serve the detainees. Also, as a reasonable person, to know that your actions have resulted in the county charging 10 cents per minute and not \$1.00, you should be very proud of that.

Mr. Oxenhandler said he appreciates that comment and makes us feel like we made a change, but the population subsidizes a lot of things that deal with the jail and this is really specific, this is being placed on the detainees, specifically the detainees. It would be a great thing for the citizens of Boone County to know how much money they are pouring into the jail and what would happen is, there would be an uproar and this would force, not only the courts, but probation activities and others to look at who we put in our jail. It does not make any difference what the rate goes down to. If you are charging an extra \$50,000 to keep detainees in jail, let's come up with a way to benefit them in some fashion.

Commissioner Parry asked Mr. Oxenhandler if, as a judge, he allowed recorded phone conversations as admissible evidence.

Mr. Oxenhandler said that if certain conditions were met, judges would allow it.

Commissioner Parry asked Mr. Antel about the phone calls as well.

Mr. Antel said there is no question that calls between detainees and family and friends is admissible. If you agree to this contract at the 10 cents per minute, there is the possibility you could realize a surplus of \$50,000 and the RFP says you only want \$10,000.

Mr. Oxenhandler said that does not cause a problem but the profit would be in excess of the stated amount in the RFP and what happens if there is an excess of \$15,000 or \$50,000.

Commissioner Atwill said we don't know as well. How does one budget for next year's road maintenance. We don't know how many floods there may be or other variables. All these things have issues. We are not done looking at this.

Mr. Antel said that if you sign the contract, you are locked in for five years. In May when this came to light, we were told consistently that nothing can be done now because we have a contract and we know this is not right, and now we are going to sign another contract that will lock us in for five years.

Commissioner Atwill said he has the greatest respect for you and the effort you presented. He also has great respect for our process. We have people here that take careful looks at things and they put us in position so that we are not embarrassed and are not vulnerable to unexpected things that will cost us money.

I view, what we have before us, as a significant compromise from where we were to where you would like to be. The fact that the contract will last five years does not mean we can't look at where the money is going, if there is any. We really don't know what the usage is going to be. 12 hours per month of inmate usage seems high to me. Again, I think this is a compromise and we want you to keep watching this. You have made a tremendous impact, but don't put us in a position that looks like we are vulnerable to the unexpected and to our disadvantage at this point.

Mr. Oxenhandler said that is something we do not want to do. This problem may have been avoided for the last nine years if there had been some public input to the process. Back in 2009, someone may have said something about the fees and the excess derived from those fees. We had asked that the citizens be involved in this evaluation. I am not being critical of the evaluation, but maybe this points to something on how we evaluate contracts that the county enters into.

Commissioner Parry said that he has made a living criticizing the County Commission for 25 years. Now that I am on the other side of the fence, I realize that you need to strike a balance and seek out the things that make common sense whether it is the Fairgrounds or any other issue. These are much more complicated than they seem. As an elected official, you want to strike a balance between what is prudent and what is fair and what is in the best interest of the poorest amongst us. Being able to provide just the basic functions of county government services is tough. You really grapple with it.

You make compelling arguments and I really hope you will use, someday, the same compassion and challenge the court system on the penalties and fees they charge the same vulnerable population. I think you make an excellent point. It is not fair to do that to the most vulnerable population. We thank you for making those points, but we can't take the risk that CenturyLink's numbers and projections are valid at this point.

Mr. Oxenhandler said that whoever was involved with the process in 2009 thought they were doing a great job, but in retrospect, from a fiscal point of view, they produced a bunch of money, but it is very embarrassing on how the detainees have been treated.

Commissioner Thompson said she would like to add her thanks because without you investigating this, it would not have come to light. It is important for all of us to understand and, take into account, the previous contract, to which none of us were signatories, was something that really hurt those who are the most vulnerable. This 90% savings that is proposed by the evaluation committee, in my mind, goes a long way toward balancing the equities. With this kind of contract, we put the detainees on par with county employees who use county phones to make personal calls -- same charge. What we are saying is that we are not going to charge the detainees any more than those here at the county get charged for using the same phone system.

We are really trying to bring this cost down and it is because of your efforts. We decided that we would take the hit and try to find the \$50,000 elsewhere. We are doing this on faith that we will find it. This contract is designed to meet the records requests and the administrative costs that are created when private counsel makes a request or when the Public Defender makes a request or someone else makes a request on that system.

I thank you very much for bringing this to our attention and to have changed the metric from \$15.00 for a 15-minute call to \$1.50 for that 15-minute call. This puts us in line with what is being charged at the Missouri Department of Corrections who has a much larger population and a greater group of institutions. To be able to get within that kind of range is because of the work done by the evaluation committee, and again, not using the numbers supplied by CenturyLink. As Commissioner Parry said, it is difficult for us to rely on numbers from them, especially when they are not aware of how often these phones are available in the jail, how many hours per day they can be used and how many inmates are trying to use the phone.

This really presents the balance we need to run the system and the administration of the system is met as well as our concern for the most vulnerable of the detainees in our jail. I hope you understand that was the guiding principle and the directive from the Commission to the evaluation committee, looking to make sure the lowest price practicable was met.

Commissioner Atwill asked if staff had anything to add for clarification.

C. J. Dykhouse said that the comments we heard touch on most of the things. Liz Palazzolo and I are here to answer any questions. \$10,000 is an estimate based on historical data with a range of \$7,500 to \$12,500. As we move through time, the cost will increase. There is an excess fund coming from this contract. The jail operations to not pay for themselves.

In a complex system, doubling down on some sort of tracing analysis of a particular contract in an incorrect intellectual approach. In a complex system we have more variable costs like jail reimbursement rates, cost of medication prescriptions, food stuffs, and all other variable costs. We need to take all these under consideration. I would suggest that an alternative way to look at the policy question and whether we achieve the goal of lowest practicable cost is not to engage in a tracing analysis of one particular variable, in a complex system of many variables. I would suggest, instead, looking at cost per minute rates of comparable correctional institutions, smaller and bigger, both in Missouri and nationally. You will find the 10-cent per minute cost compares favorably and exactly to what we charge our own employees. There is an alternate way to gauge whether we met the goal, and that framing would be what is the per minute cost for the end users and how does that compare.

We did not rely on anyone's "puffery" on the user numbers. We took a number that was our confirmed historical number and compared that to the numbers that were given to us. That is the methodology choice we made, not to say there were others, but that is what we have done in the past.

Commissioner Parry said that Mr. Antel referenced 1.86 million minutes in his calculations at four cents per minute. How many minutes, historically, has been used at the jail.

Mr. Dykhouse said we used the figure of 213,565, per a six-month period, as provided by our past provider, and took all the vendor proposals and used that historical figure. We believed, in the evaluation committee, that was the best way to evaluate the different proposals.

Commissioner Parry noted that the numbers from Mr. Antel are four times that amount.

Mr. Dykhouse said that if you believe CenturyLink, they have such a wonderful product and it will be used extensively, but we did not accept that "puffery."

There were no further comments or questions.

Commissioner Parry moved on this day the County Commission of the County of Boone does hereby award bid 40-16OCT17 – Detainee Telephone System for the Boone County Detention Center to CenturyLink.

Terms of the bid award are stipulated in the attached Purchase Agreement. It is further ordered the Presiding Commissioner is hereby authorized to sign said Agreement.

Commissioner Thompson seconded the motion.

The motion carried 3 to 0. **Order #91-2018**

Human Resources

4. First reading; Request for authorization for an extended Training Period for New Employee

Jenna Redel said there is a standing 2005 Commission Order that allows a certain period of time where two people can be paid for the same job. This allows training of the new employee before the current employee exits. This is an extension to 45 days and pertains to position 297, Deputy County Clerk III. This will allow the County Clerk the additional training period for this position.

There were no comments or questions.

Commissioner Atwill stated this is a first reading and requested the Deputy County Clerk to schedule this item for a second reading at the next available commission meeting with appropriate order for approval.

Collector

5. First reading; Tax Collection Agreement with Columbia and Boone County Library District

Brian McCollum said this is a tax collection agreement for the newly formed Columbia and Boone County Library District which became effective January 1, 2018 as a result of the merging of these two entities. This will memorialize the assessment and tax collection for that newly formed library. Taxes that have been previously levied for both the Columbia Library and Boone County Library Districts, prior to 2018, will still be collected, but these funds will be remitted to this new merged library.

There were no comments or questions.

Commissioner Atwill stated this is a first reading and requested the Deputy County Clerk to schedule this item for a second reading at the next available commission meeting with appropriate order for approval.

Treasurer

6. First reading; Cooperative Agreement – Deposit Pool with Columbia and Boone County Library District

Tom Darrough said this is in line with what we did with the Fire District earlier, where in the past, there was a “handshake” agreement on how we were going to work with them. Now, we can have this agreement in writing which has them abiding by our rules and we will invest their money, but should there ever be a calamity, they will share in that loss. This gets it officially on paper.

C. J. Dykhouse said this is a service we provide to the taxing entities and now the merged library district will be officially part of this with this agreement. This service is an assistance to the county taxpayer because we are not requiring duplicate finance departments for these entities and providing this service at no cost. The Treasurer has agreed to do that as part of his combined investment pool he does for the county funds. That is a real efficiency to the taxpayers.

Commissioner Atwill asked what the problem would be if there were a cost associated with this service.

Mr. Dykhouse said none really. The idea is that it is easier to create economies of scale given that the county funds are already of a significant magnitude that you have to deploy certain administrative and financial expertise which these entities would not be able to achieve on their own.

Mr. Darrough said they would not want to do that as well as having to purchase the investment software we use for their funds.

Commissioner Atwill said that this saves them money. We have all these other mechanisms where we get a small fee for the services we provide.

Mr. Darrough said that we have had this conversation before and it comes back to that we have always done it this way.

Commissioner Thompson said she raised this same question when we were talking about the Fire District. For instance, costs for services for Facilities Maintenance and Information Technology, we spread these costs across the system. Why would we not do that with respect to your services to these entities.

Mr. Darrough said historically, it was perceived that we benefited, in the idea of a threshold volume, that we get because of their money, but that is no longer the case and that is how it got started.

Commissioner Thompson said there is a clause for termination with 60-day notice, so we can say that we will provide the service, but there will be a little cost involved.

There were no further comments or questions.

Commissioner Atwill stated this is a first reading and requested the Deputy County Clerk to schedule this item for a second reading at the next available commission meeting with appropriate order for approval.

Public Works

7. Second reading; Replacement of an Overhead Crane Hoist (1st read 2-15-18)

Commissioner Thompson moved on this day the County Commission of the County of Boone does hereby approve the request from the Public Works Department to purchase a replacement crane/hoist out of anticipated cost savings in account 2040-92300 in the amount of \$3,699.60.

Commissioner Parry seconded the motion.

The motion carried 3 to 0. **Order #92-2018**

Commission

8. Public Comment

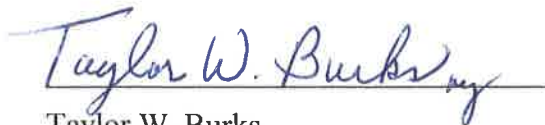
None

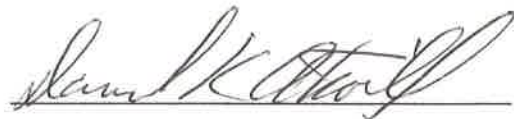
9. Commissioner Reports

Commissioner Atwill said yesterday, he spent close to 8 hours in meetings with the Boone Hospital Trustees and other individuals who were interested in these discussions. There was also time spent with legislative consultants on some other things.

The meeting adjourned at 10:29 a.m.

Attest:


Taylor W. Burks
Clerk of the County Commission



Daniel K. Atwill
Presiding Commissioner


Fred J. Parry
District I Commissioner


Janet M. Thompson
District II Commissioner