



## LOUISIANA PUBLIC DEFENDER BOARD

Thursday, February 20, 2020  
Bluebonnet Regional Library  
12:00 p.m.

### MINUTES

1. A meeting of the Louisiana Public Defender Board, pursuant to lawful notice, was called to order by its Chairman Frank Holthaus on Tuesday, February 20, 2020, at the Bluebonnet Regional Library in Baton Rouge, Louisiana, at approximately 12:10 p.m.

The following Board members were present:

Chris Bowman  
Michael Ginart  
Chaz Roberts

Flozell Daniels  
Frank Holthaus

W. Ross Foote  
Donald North

The following Board members was absent:

Zita Andrus  
Moses Williams

Pat Fanning

Lyn Lawrence

The following members of the Board's staff were present:

Remy Voisin Starns, State Public Defender  
Barbara Baier, General Counsel  
Natashia Carter, Budget Administrator  
Anne Gwin, Executive Assistant  
Richard Pittman, Dpy. Public Defender, Dir. Juvenile Defender Services  
Erik Stilling, Information and Technology Director  
Tiffany Simpson, Legislative Director – Juv. Compliance Officer

2. Adoption of the Agenda. Mr. Flozell Daniels moved to adopt the agenda as presented. Judge Ross Foote seconded the motion which passed unopposed.

3. Call for Public Comment. Mr. G. Paul Marx, District 15 (Acadia-Lafayette-Vermilion Parishes) reported on the "Uptrust" electronic text noticing pilot project in Districts 15, 16 (Iberia-St. Martin-St. Mary-), 19 (East Baton Rouge) and 22 (St. Tammany-Washington). Clients are given their pending court dates via text messaging to the phone number they have provided their appointed public defender. The text noticing begins upon the PDO appointment. The service is funded by a 2-year grant.

4. Adoption the Minutes.
  - a. November 21, 2019. Mr. Mike Ginart corrected the November 21, 2019 minutes to include Board Member Katherine Gilmer as being in attendance then moved to adopt them, as amended. Judge Foote seconded the motion.
  - b. January 16, 2020. Mr. Flozell Daniels moved to adopt the January 16, 2020 minutes as presented. Mr. Chaz Roberts seconded the motion.

Upon vote, the minutes of the November 21, 2019, as amended, and the minutes of the January 16, 2020 meeting, as presented, passed unopposed.

5. Budget and Financial
  - a. Financial Report through January 31, 2020. Budget Administrator Natasha Carter reported \$32,055,711 expended to date; \$5,156,421 encumbered; \$2,892,524 projected to be expended by the end of the fiscal year and zero funds available for reallocation. Mr. Flozell Daniels moved to adopt the financial report, Judge Foote seconded and the motion passed unopposed.
  - b. Solvency Projections thru 12/31/19. Dr. Erik Stilling reported that staff is monitoring Districts 13 (Evangeline) 34 (St. Bernard) and 41 (Orleans) closely as they are all facing shortfall. He reported that District Defender Derwyn Bunton (Orleans) is expecting local city funds soon and that District Defender Tom Gernhauser (St. Bernard) is expecting a one-time influx of funds from bond forfeitures in the near future which will help address his fiscal needs.
  - c. FY20 Funding Requests. SPD Starns reported that the districts' Exigency and Residual Grant Fund requests are being referred to the Budget Committee for recommendation to the full board for action.
  - d. Districts being Monitored.
    - i. District 40. District Defender Richard Stricks addressed the board and requested that the third installment of approximately \$59,442 of the original \$178,320 monies encumbered for his district, and previously approved by the Board, be disbursed. Mr. Mike Ginart moved to release the third installment. Professor North seconded the motion which passed unopposed.
  - e. FY21 Preliminary Budget (\$40,351,698). SPD Starns reported that staff will attend the House Committee on Appropriations hearing on March 3, 2020 and that to date a budget of \$40,351,698 has been proposed.

6. Executive Session. Mr. Ginart moved to go into Executive Session. Professor Donald North seconded the motion which passed unopposed. Chairman Holthaus reported that Executive Session concluded. Judge Foote moved to leave Executive Session and resume Regular Session, seconded by Professor North and passed unopposed. Regular Session resumed at approximately 2:12 p.m.

7. District Defender Issues
  - a. Appointment - District Defender - District 1 (Caddo Parish). Professor North moved that the Board select Michele AndrePont as the District Defender for Caddo Parish. Judge Foote seconded the motion which passed unopposed. SPD Starns reported all candidates were impressive and thanked them for their participation.
  - b. Salary Ranges. The district defender salary range document was provided in the materials for informational purposes.



- c. Salary – Caddo District Defender. Mr. Chris Bowman moved that the setting of the salary for the Caddo District Defender go to the Budget Committee for a recommendation to the full board and that the salary remain at \$100,000 commensurate with the predecessor district defender, effective this date, pending the Budget Committee’s recommendation. Judge Foote seconded the motion which passed unopposed.
    - d. Status - District Defender - District 29 (St. Charles Parish). Deputy Public Defender Richard Pittman reported that the selection committee has completed their interviews. SPD Starns indicated he would have a recommendation for filling the position at the next board meeting.
    - e. District 9 (Rapides Parish) Forfeiture Suit. District Defender Deirdre Fuller reported that this issue has been resolved with the Plaintiff dismissing all action.
8. DAF FY21. SPD Starns reported that discussion has begun with the district defenders and everyone is working through the process and he will report progress back to the board.
9. 2020 Legislative Session Update. Legislative Director Tiffany Simpson reported that the 2020 Regular Legislative Session starts March 9, 2020, there is no Executive Budget (House Bill 1) again this year, the deadline to pre-file Bills is February 28 and LPDB staff will be participating in the scheduled budget hearing on March 3, 2020 at the Capitol.
10. LPDB Division Reports
  - a. SPD. Since his appointment as State Public Defender on January 16<sup>th</sup>, SPD Starns reported having met with several district defenders, visited the Caddo, Desoto, Jefferson and Calcasieu Public Defender Offices, hosted a district defender meeting in the 19<sup>th</sup> to begin discussions on the DAF and submitted five fiscal notes, to date.
    - i. Agenda and Meeting Format. SPD Starns reported that he, Chairman Frank Holthaus and Executive Assistant Anne Gwin met with the Chairman of the Louisiana State Licensing Board for Contractors to secure meeting space for Board and Committee meetings moving forward. This space is centrally located in downtown Baton Rouge.
    - ii. Executive Positions. SPD Starns reported he would be scheduling interviews for the Trial Level Compliance Officer and Director of Training positions and would have a recommendation for hire at the next Board and/or Budget Committee meetings. Mr. Ginart asked for clarification that Mr. Starns would have a recommendation ready for Board action at the next meeting. Mr. Starns confirmed that he would.
  - b. Juvenile. Director of Juvenile Defender Services Richard Pittman reported that the Title 4E representation DCFS contract was received on February 19 which represents approximately \$250,000 year to Districts 1 (Caddo), 9 (Rapides) 19 (EBR) and 21 (Livingston-St. Helena-Tangipahoa).
  - c. Capital. The Capital Division report is in the materials for review.
11. Announcements. Professor North requested Board attendance records for FY20.

12. Next Meeting(s). The next meeting of the Budget Committee was set for March 2, 2020 at 1:00 p.m. and the Board for April 7, 2020 at 1:00 p.m. Locations to be announced upon confirmation.

13. Adjournment. Mr. Mike Ginart moved to adjourn. Professor North seconded the motion which passed unopposed.

Guests:

Richard Stricks  
Rene Bourg  
Harry Fontenot  
Rhonda Covington  
G. Paul Marx  
Don Kneipp  
John Lindner  
Kammi Whatley  
Chanel Long  
Lindsey Blouin

Steve Thomas  
Herman Castete  
Lee Harville  
Deirdre Fuller  
Gary Clements  
Bruce Unangst  
Michelle AndrePont  
Alan Robert  
David Marcantel  
Tony Champagne

Brian McRae  
Richie Tompson  
Bob Noel  
John Albert Ellis  
Tom Gernhauser  
Kenn Barnes  
Michael A. Mitchell  
Kyla Romanach  
Sade Lee

I HERBY CERTIFY that the foregoing is a full, true, and correct account of the proceedings of the Louisiana Public Defender Board's meeting held on the 20th day of February 2020, as approved by the Board via Zoom Videoconference<sup>1</sup> on the 3rd day of April, 2020.



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C. Frank Holthaus, Chairman

<sup>1</sup> The meeting at which these minutes were approved was held via a ZOOM video-conference pursuant to Executive Proclamation JBE 2020-30 – Additional Measures for COVID-19 Public Health Emergency Section 4.



## Certification

Pursuant to the Louisiana Homeland Security and Emergency Assistance and Disaster Act, the Governor declared a Public Health emergency in Proclamation Number 25 JBE 2020 due to the COVID-19 outbreak in Louisiana. Additional measures are now necessary to further protect the health and safety of the public; therefore, in accordance with Proclamation Number JBE 2020-30, Section 4, I hereby certify:

- 1) That the Louisiana Public Defender Board (LPDB) has urgent issues upon which to act which require adherence to the Open Meetings Law, in particular, quorum requirements;
- 2) That given the expansion of the COVID-19 outbreak, the Louisiana Public Defender Board should not call a meeting in a public venue;
- 3) That, during the pendency of this emergency, attendance shall be provided for and allowed via teleconference or videoconference;
- 4) That all efforts shall be made to provide for observation and input by the public; and
- 5) That this certification shall be posted at the same time and in the same manner as the agenda for any LPDB meeting until further notice from the Governor.

At Baton Rouge, Louisiana, this 24<sup>th</sup> day of March, 2020.

A handwritten signature in blue ink, appearing to read "C. Frank Holthaus", is written over a horizontal line.

C. Frank Holthaus, Chairman