
MINUTES

Idaho State Public Defense Commission Meeting

Attendance via Zoom meeting was encouraged

Masks and social distancing were encouraged at meeting site

Public Defense Commission Conference Room

816 W. Bannock Street, Boise, Idaho 83702

October 11, 2022 at 10:00 am

Commission Members Present (via Zoom):

Darrell Bolz, Chair, Eric Fredericksen, Vice Chair, Angie Barkell, Linda Trout

Commission Members Absent: David Cannon, Dan Dinning, Jim Woodward

PDC Staff Members Present at Meeting Site: Kathleen Elliott, Tammy Zokan

PDC Staff Members Present (via Zoom):

Jennifer Cichocki, Jared Ricks, Jennifer Roark

Members of the Public Present (via Zoom): Emily Hamer; Scott Zanzig, Idaho Attorney General's Office

Welcome and Call to Order – Chair Bolz

The meeting was called to order at 10:05 am

Consent Agenda

(Items on the Consent Agenda are considered to be routine and will be enacted by one motion. There will be no separate discussion on these items unless a Commissioner so requests, in which case the item will be removed from the Consent Agenda and placed on the regular agenda.)

FY2023 Actual and Budget Report July

FY2023 Office Budget July

FY2023 Actual and Budget Report August

FY2023 Office Budget August

Approval of August 4, 2022 Meeting Minutes

Vice Chair Fredericksen moved to approve the Consent Agenda. Commissioner Trout seconded.

And the roll call vote to do so was as follows:

Angie Barkell, Member	Yes
David Cannon, Member	Absent
Dan Dinning, Member	Absent
Linda Trout, Member	Yes

Jim Woodward, Member	Absent
Eric Fredericksen, Vice Chair	Yes
Darrell Bolz, Chair	Yes

The motion carried.

Executive Director Report:

Ms. Elliott reported that most counties have submitted budget and other information that was due by September 15, 2022. She reported that after a great deal of teamwork, the Defending Attorney Annual Reports (DAAR) forms were sent to defending attorneys on September 30, 2022 and these are due by November 1, 2022. She said the PDC is partnering with NLADA to present a leadership institute training February 27 – March 1, 2023. She said the training is for current leaders and others who want to get involved in management and supervision. Ms. Elliott referred to the Idaho Legislative Office report results, which she will talk about later in the meeting.

Commissioner Trout asked about the status of the two vacant Commission member positions.

Ms. Elliott said invitations were extended to two defending attorneys who declined and there are continuing efforts to identify other candidates.

Chair Bolz mentioned these efforts are being done in conjunction with the Governor's Office, not just PDC staff.

Ms. Elliott said finding defending attorneys for the Commission is a priority because defending attorney participation on the Commission is very important.

Commissioner Trout noted that the Commission is losing two additional Commissioners due to election outcomes and filling current and pending vacancies is critical.

Chair Bolz agreed that replacements for Commissioners Dinning and Woodward must be identified soon to get ahead.

Commissioner Trout suggested Senator Wintrow because she did a terrific job when she was on the Commission previously.

Chair Bolz noted that appointments will depend on who is elected to leadership positions in both houses.

Joint Regional Coordinator Report:

Mr. Ricks and Ms. Roark said they did not have additional information to add to their written report.

State of Idaho Legislative Services Office Management Report:

Ms. Elliott referenced the LSO management report and said it is the first and possibly the last one the PDC will have. She said the report resulted in no findings of deficiencies and did not include any

recommendations. She noted one thing she would have changed is the organizational chart the LSO used because it is out of date, but it was relevant to the timeframe covered by the report. She credited the team, especially Ms. Cichocki, for their professionalism contributing to the good results.

Commissioner Trout and Vice Chair Fredericksen congratulated PDC staff.

Legislative Update:

Ms. Elliott reported discussions about the new legislation are ongoing between the Governor's Office and the IAC and other stakeholders. She said the PDC's involvement has been to provide data as requested.

Chair Bolz said the PDC will have to wait to see what happens with the Legislature to learn what it means for the future.

Commissioner Trout asked about the status of the working group that was going to be appointed.

Ms. Elliott said there has not been anything formal and the Governor's Office has been gathering information and meeting with different stakeholders. She said she does not anticipate there will be a formal group appointed.

Commissioner Trout referred to the October 2024 deadline.

Chair Bolz said the Legislature is supposed to adopt legislation for the statewide system this coming session and if that does not happen, it will be a very tight timeline to get a system in place by October 2024. He said it will be interesting to see what happens because there will be a new Chair in the House Judiciary and Rules Committee, an approximate 40% change over in the Legislature and new chairs and co-chairs on JFAC. He said the PDC will need to keep eyes and ears open.

PDC Forms Policy:

Ms. Zokan referred to the draft PDC forms policy in the meeting packet. She said complete and accurate information is needed for the PDC to make informed decisions about PDC financial assistance and other support and report valid data to the Legislature and others. This policy explains that when information submitted or reported to the PDC is incomplete or inaccurate, the PDC will use the most complete and accurate information that is available or the report or the request will be deemed incomplete and may not be considered.

Commissioner Trout recommended adding more specifics about why the PDC needs the information, such as for grants and workload needs in order to calculate financial assistance. She said this shows there is a point to providing the information, and it is not a waste of time.

Ms. Zokan said she will add specific examples about what the information is used for.

Vice Chair Fredericksen moved to approve the PDC forms policy with Commissioner Trout's suggested changes. Commissioner Trout seconded.

And the roll call vote to do so was as follows:

Angie Barkell, Member	Yes
David Cannon, Member	Absent
Dan Dinning, Member	Absent
Linda Trout, Member	Yes
Jim Woodward, Member	Absent
Eric Fredericksen, Vice Chair	Yes
Darrell Bolz, Chair	Yes

The motion carried.

General Administration Policies:

Ms. Zokan referred to the draft general administration policies in the meeting packet and said this updated general administration policy completes PDC's overall revision of the previously voluminous general administration policies to remove duplicate information, like repetition of statutes and statewide policies, and update references and information.

Chair Bolz recommended references to "her" and "their" be consistent and reflective of how the persons in the role may change over time.

Commissioner Trout moved to approve the general administration policies with Chair Bolz's suggested changes. Vice Chair Fredericksen seconded.

And the roll call vote to do so was as follows:

Angie Barkell, Member	Yes
David Cannon, Member	Absent
Dan Dinning, Member	Absent
Linda Trout, Member	Yes
Jim Woodward, Member	Absent
Eric Fredericksen, Vice Chair	Yes
Darrell Bolz, Chair	Yes

The motion carried.

Executive Session:

Vice Chair Fredericksen moved to pursuant to Idaho Code 74-206, convene in executive session under Idaho Code 74-206(1)(d) to discuss records exempt from disclosure under Idaho Code 74-105(18)(a) and under Idaho Code 74-206(1)(f) to communicate with legal counsel about pending litigation. Commissioner Trout seconded.

And the roll call vote to do so was as follows:

Angie Barkell, Member	Yes
David Cannon, Member	Absent

Dan Dinning, Member	Absent
Linda Trout, Member	Yes
Jim Woodward, Member	Absent
Eric Fredericksen, Vice Chair	Yes
Darrell Bolz, Chair	Yes

The motion carried.

The Commission went into executive session at 10:29 am

Items discussed in executive session:

10:29 am – Discussion under Idaho Code 74-206(1)(f) to communicate with legal counsel about pending litigation; Idaho Deputy Attorney General Leslie Hayes was present

10:35 am -- Discussion under Idaho Code 74-206(1)(d) of records exempt from disclosure under Idaho Code 74-105(18)(a)

Chair Bolz called the meeting back to order at 10:39 am.

Final Action or Decision on Items Considered During Executive Session:

Vice Chair Fredericksen moved to adopt the recommendation of the Capital Counsel Review and Recommendation Committee to approve applicant #32 as co-counsel for capital trials. Commissioner Trout seconded.

And the roll call vote to do so was as follows:

Angie Barkell, Member	Yes
David Cannon, Member	Absent
Dan Dinning, Member	Absent
Linda Trout, Member	Yes
Jim Woodward, Member	Absent
Eric Fredericksen, Vice Chair	Yes
Darrell Bolz, Chair	Yes

The motion carried.

Commissioner Trout moved to adopt the recommendation of the Capital Counsel Review and Recommendation Committee to approve applicant #33's continued eligibility as co-counsel for capital trials when their current term ends. Vice Chair Fredericksen seconded.

Angie Barkell, Member	Yes
David Cannon, Member	Absent
Dan Dinning, Member	Absent
Linda Trout, Member	Yes
Jim Woodward, Member	Absent

Eric Fredericksen, Vice Chair	Yes
Darrell Bolz, Chair	Yes

The motion carried.

Vice Chair Fredericksen moved to adopt the recommendation of the Capital Counsel Review and Recommendation Committee to approve applicant #34 as lead counsel for capital trials. Commissioner Trout seconded.

And the roll call vote to do so was as follows:

Angie Barkell, Member	Yes
David Cannon, Member	Absent
Dan Dinning, Member	Absent
Linda Trout, Member	Yes
Jim Woodward, Member	Absent
Eric Fredericksen, Vice Chair	Yes
Darrell Bolz, Chair	Yes

The motion carried.

Future Meeting Dates:

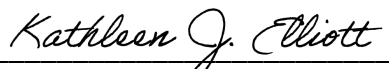
Ms. Elliott reported that there does not appear to be agenda items for a November meeting and suggested meeting in early December.

Chair Bolz said given the number of Commissioners present, he recommended the PDC staff send a poll regarding meeting dates to all Commissioners.

Adjournment – Chair Bolz:

Chair Bolz adjourned the meeting at 10:44 am.

Minutes approved by the Commission on December 15, 2022


Kathleen J. Elliott, Executive Director