

**Consider approval of the following related to the Crossroads Regional Public Defender Office and take appropriate action.**

**b. Oversight Board - Development and Plan.**

(9b-7:46)

9b. October 23, 2023. Moved by Danny Garcia and seconded by Jason Ohrt, the Commissioners Court approved the Oversight Board Development and Plan for the Crossroads Regional Public Defender Office. Motion adopted.

## **CROSSROADS REGIONAL PUBLIC DEFENDER OFFICE**

### **Oversight Board – Plan**

#### **Purpose of the Plan**

The purpose of this Oversight Board (hereinafter “the Board”) plan is to clearly define pertinent aspects of the Board and its operations; so as to maintain independence from undue interference, and to ensure that diverse perspectives from the region about the public defender’s responsibilities are well represented. These plan attributes will help the Board guide the defender office to success in providing high-quality legal representation, and a vigorous defense, for indigent clients in the four-county region.

#### **Oversight Board Responsibilities and Duties**

In order to advance these purposes, the Board will have the following responsibilities, duties, and restrictions:

1. The Board will screen, interview, and recommend to Victoria County Commissioners Court, a chief public defender and providing guidance to the chief public defender. If necessary, the Board may recommend the removal of the chief public defender.
2. The Board will review, provide strategic input, and approve the policies, procedures, and organizational structure recommended by the chief public defender, including a plan of operation required by the Texas Code of Criminal Procedure, article 26.044 (b-1), (c-1).
3. The Board will review and approve the program budget request developed by the chief public defender for submission to the Victoria County Commissioners Court, and regularly monitor the budget, including expenditures, throughout the course of each year. Budget requests are subject to the approval of the Commissioners Court in the Victoria County adopted budget. The Board will provide guidance to the chief defender on how best to incorporate challenges faced by the program into the annual budget request and how to effectively present budget information to the Victoria County Commissioners Court.
4. The Board will not intervene, micro-manage, or otherwise become involved with individual cases or employee matters. The chief public defender will be responsible for the daily activities of the public defender office. The Board shall monitor performance of the chief public defender and communicate any deficiency of performance to the chief public defender and/or Victoria County Commissioners Court. The chief public defender shall be responsible for the hiring, supervision, discipline and discharge of all other employees of the public defender office.
5. The Board will confer with the chief public defender, as needed, to set attainable organizational and personal goals for the chief public defender to pursue in the coming year. The goals will be documented in writing. At the end of the year, the Board will review the goals with

the chief public defender and ascertain whether the goals were achieved or if performance needs improvement.

6. The Board will help ensure the long-term sustainability of the public defender office by generally supporting the public defender office's success and providing advice to the chief public defender in the furtherance of the public defender office's aims.

7. The Board will undertake other lawful activities in support of the public defender office as may be prescribed by majority vote of the Board.

### **Composition of the Oversight Board**

The Board shall serve in an advisory capacity to the public defender office. The CRPDO will be a department of Victoria County and not a separate legal entity. The Board shall be comprised of seven members as follows:

1. One Member each from Lavaca, Jackson, and Refugio Counties, selected by their respective commissioner's court, and four Members from Victoria County, selected by its commissioners' court. Each person chosen must be a community leader or have a working knowledge of the criminal justice process; and may not be a prosecutor, an attorney receiving assigned counsel cases, a Justice of the Peace, a County Court at Law Judge, a District Judge, a law enforcement officer, or a probation officer.

2. Each member shall be entitled to one vote on each matter submitted to a vote of the members.

### **Board Member Terms of Office**

Members shall serve a term of two years. Terms begin on January 1 of the relevant year and end in the subsequent year on December 31. For appointments upon the creation of the Board, terms will include any months prior to January 1, 2024, as part of a member's initial term of office.

The chief public defender will keep a schedule of member terms and notify each participating County, and other entities, of expiring terms to ensure future selection of members in a timely manner.

Vacancies in member positions shall be filled by the appropriate participating County for the unexpired portion of a term.

### **Board Officers**

The Board will appoint from its members a Chair, a Vice-Chair, and a Secretary to be officers of the Board. Members may not serve more than 4 consecutive years in the same officer position. If an officer position becomes vacant in the interim, the Board may choose another member to be an officer at any time.

1. Chair – The Chair will preside over all meetings of the Board. The Chair shall set or approve meeting agendas and shall include any items submitted directly by members. The Chair shall accompany the chief public defender to the annual budget request workshop before the Victoria County Commissioners Court. With approval of the Board for individual items, the Chair may sign necessary documents or letters on behalf of the Board.
2. Vice-Chair – The Vice-Chair will act as Chair in the Chair's absence.
3. Secretary – The Secretary will take minutes at all meetings of the Board and may be assisted by staff from the public defender office with this task where appropriate. The Secretary will submit the minutes of a previous meeting for Board approval at the next regularly scheduled meeting. The Secretary will record attendance at each meeting and will report members' attendance to their appointing authority at the end of each calendar year.

## **Board Meetings**

The Board will meet quarterly during the course of a calendar year.

A majority of the membership of the Board, which is four members, shall constitute a quorum to conduct meetings. The act of a majority of the members present at a meeting, at which there is a quorum, will be the act of the Board unless a greater number is required for specific actions listed in this plan.

Additional special meetings may be called at any time by the Chair of the Board, or at the request of a majority of the membership of the Board.

Meetings of the Board may be conducted remotely, by videoconference.

In situations where the Board is called to make a decision in a time-sensitive manner – thereby making an in-person or virtual meeting unlikely – the chief public defender and the Chair can brief the issue to the Board via email and members of the Board can convey their vote to the rest of the Board via email.

Although the Texas Open Meetings Act does not apply to the Board, the Board will be as transparent as possible. The Board may convene in executive session to discuss, among other things, personnel matters concerning the chief public defender, but shall reconvene in open session to take any votes necessary.

The chief public defender will be responsible for preparing copies of agendas, along with supporting documentation for each agenda item, to be included in an agenda packet for the members. Should it be necessary, the chief public defender will be responsible for securing adequate meeting space for the Board to conduct its meetings. The chief public defender will provide a verbal or written update of the public defender office's activities to the Board at each

meeting. The chief public defender may allow staff of the public defender office to participate in the Board meeting as may be necessary.

Members, or the chief public defender, may submit agenda items for an upcoming meeting to the Chair. Agenda items should be sent at least one week in advance of the meeting. In case of emergency meetings, a 72-hour notice for agenda items should be given. The Chair will provide a list of items to the chief public defender for the preparation of agenda packets for the meeting.