



MICHIGAN INDIGENT DEFENSE COMMISSION

Michigan Indigent Defense Commission Meeting Minutes
200 N. Washington Square, Lower Level
Lansing, MI 48933
December 19, 2017
Time: 1:00 PM

Commission Members Present

James Fisher, Chair, Judge Thomas Boyd, Thomas Clement (non-voting member), Judge Jeffrey Collins, Frank Eaman, Joseph Haveman, Derek King, Tom McMillin, Michael Puerner, Brandy Robinson, David Schuringa, and John Shea

Participating via Telephone

Nancy Diehl and Gary Walker

Commission Members Absent

William Swor

Members of the Public Present Included:

Deena Bosworth, Malcolm Brown, Beth Dick, Justin Dickman, Justin Hinkley, Frederick Johnson, Mickey Knight, Richard Lynch, Marianne Talon, Drew Vande Grift, Prosecutor Matt Wiese, Prosecutor Kym Worthy, Shelli Weisberg

Staff Members Present

Jonathan Sacks, Christopher Dennie, Tanya Grillo, Barbara Klimaszewski, Rebecca Mack, Jana Mathieu, Marla McCowan, Kelly McDoniel, Jonah Siegel, Kristen Staley, and Marcela Westrate

Chair Fisher called the Michigan Indigent Defense Commission (“MIDC” or “the Commission”) meeting to order at 1:00 pm.

Public Comment

Mickey Knight, representing Muskegon County, introduced Frederick Johnson, Muskegon County Public Defender and Beth Dick, Assistant County Administrator and Director of Finance. Mr. Johnson offered comments on behalf of Muskegon’s compliance plan.

Marquette County Prosecutor Matt Wiese offered comments on behalf of the Prosecuting Attorneys Association of Michigan (PAAM).

Drew Vande Grift offered comments on behalf of Wayne County.

Wayne County Prosecutor Kym Worthy offered comments on behalf of that county.

Malcolm Brown offered comments on behalf of Oakland County.

Eaton County Controller/Administrator John Fuentes offered comments on behalf of that county.

Consent Agenda

Judge Boyd moved that the minutes from the October meeting be adopted. Judge Collins seconded. The motion carried.

Executive Director Report

Mr. Sacks updated the commission on Oakland County's lawsuit. The county has appealed the Court of Claims' decision.

Mr. Sacks, Ms. McCowan, and Ms. Westrate attended meetings with representatives from the Governor's office, the State Budget Office, and the Department of Licensing and Regulatory Affairs (LARA). MIDC staff provided an overview of the types of compliance plans that were received, and highlighted issues that staff anticipated would be addressed by the Commission.

Legislative Workgroup Update

Judge Boyd updated the Commission on the Ad Hoc Legislative Committee's activities. Judge Boyd provided an overview of legislative changes discussed in a workgroup comprised of the Governor's Office, the State Budget Office, LARA, MIDC, and the Michigan Association of Counties.

Nominating Committee

Judge Boyd reported the Nominating Committee's recommendation for officers beginning January 1, 2018. The Nominating Committee concluded that there should not be any Commission chairs that are judges or prosecutors going forward. The committee recommended the following: Mr. Puerner, Chair; Ms. Robinson, Vice Chair; and Mr. Walker, Secretary. Mr. Walker accepted the nomination of Secretary with the understanding that he will not advance to Chair.

Mr. McMillin moved to adopt the Nominating Committee's recommendations. Mr. Eaman seconded. The motion carried.

Executive Director Hiring

Judge Fisher reported on the Executive Committee's meeting. That committee reviewed the applications submitted for the position and recommended that two individuals be interviewed: Loren Khogali and Marla McCowan. The interviews will be scheduled for January 19, 2018. All applications were emailed to Commissioners. Chair Fisher indicated that Commissioners could add additional applicants to the list of those to be interviewed. No additional names were suggested.

Judge Boyd moved that the Commission interview Ms. Khogali and Ms. McCowan for the Executive Director position. Mr. King seconded. The motion carried.

Compliance Plan Review

Mr. Sacks gave the Commission an overview of the staff review process and how recommendations were compiled.

Plans will be referred to committees of Commissioners for review on specific areas. The following Ad Hoc Review Committees were created:

- **Third Class District Courts:** Mr. King (Chair), Judge Boyd, Mr. Walker, Mr. Swor
- **Construction Spending:** Ms. Diehl (Chair), Mr. Shea, Mr. Puerner
- **Sheriff and Other Ancillary Spending:** Dr. Schuringa (Chair), Mr. Eaman, Mr. Haveman, and Chair Fisher
- **Other review:** Mr. McMillin (Chair), Ms. Robinson, Judge Collins.

The Huron County plan was referred to the Sheriff and Other Ancillary Spending Committee for that committee's review and recommendations. Dr. Schuringa convened a conference call with members of the committee. Ms. McCowan and Ms. Klimaszewski participated. The committee reviewed Huron County's compliance plan. The committee recommends approval of the plan and cost analysis.

Requests for Disapproval to Submit MCL 993.2 Applications

MAC informed MIDC staff that several counties did not include calculations for compliance planning in the requests for grants.

Judge Boyd moved that the Commission disapprove a plan if it received a request from a county wishing to add costs for compliance planning. Mr. McMillin seconded the motion. The motion carried.

Failure to Submit Compliance Plans

Mr. Sacks updated the Commission on the two local systems that did not submit compliance plans by the November 20, 2017 deadline. One system, Romulus' 34th District Court in Wayne County, has been working Regional Manager McDoniel on a draft plan. The second system, St. Clair Shores' 40th District Court in Macomb County, had a representative present at the Commission's meeting. That system intends to submit a plan.

Mr. Puerner moved that the non-submission of a plan by these two systems count as a disapproval, and that each system be notified that it would have 30 days to submit a plan to the MIDC. Mr. Haveman seconded the motion. The motion carried.

Plans Identified by Staff as Incomplete

MIDC staff reviewed compliance plans and identified plans from the following systems as being incomplete for various reasons:

- Grosse Pointe Woods Municipal Court (Wayne County)
- 20th District Court – Dearborn Heights (Wayne County)
- 24th District Court – Allen Park (Wayne County)
- 39th District Court – Roseville (Macomb County)
- 48th District Court – Bloomfield Hills (Oakland County)
- 50th District Court – Pontiac (Oakland County)

MIDC staff recommends that these plans be disapproved and that the systems submit revised plans with completed information for the Commission's review.

Mr. Shea moved that the incomplete plans listed above be disapproved. Mr. Eaman seconded. The motion carried.

Prosecution spending

Staff identified the following plans as including funding for prosecuting attorneys:

- 25th District Court – Lincoln Park (Wayne County)
- 41-a-1 District Court – Sterling Heights (Macomb County)
- Eaton County
- Grand Traverse County
- Montcalm County
- Oakland County – 6th Circuit Court and 52nd District Courts
- St. Clair County
- Wayne County – 3rd Circuit Court

Judge Boyd moved to disapprove the plans for the eight systems that included prosecutor costs. Mr. Shea seconded.

After discussion, Chair Fisher called for a roll call vote. The motion carried with the following 10 members voting yay: Judge Fisher, Judge Boyd, Mr. Eaman, Mr. Haveman, Mr. King, Mr. McMillin, Mr. Puerner, Ms. Robinson, Mr. Shea, Dr. Schuringa. The following three members voted nay: Judge Collins, Ms. Diehl, and Mr. Walker.

Substantive Compliance Plan Review

Ms. McCowan provided an overview of the plans and the associated staff recommendations. Ms. Mack and the Regional Managers provided details and answered questions as needed.

After review, MIDC staff recommends that the Commission disapprove the plans and disapprove the cost analyses for the following systems:

- Iosco County
- Missaukee and Wexford Counties
- Monroe County
- Shiawassee County

Mr. Shea moved that the staff recommendation be adopted and that the four plans and cost analyses listed above be disapproved. Mr. Haveman seconded the motion. The motion carried.

After review, MIDC staff recommends that the Commission approve the plans but disapprove the cost analyses for the following systems:

- Arenac County

- Baraga, Houghton, and Keweenaw Counties
- Barry County
- Benzie and Manistee Counties
- Dickinson County
- Grosse Pointe Farms and Shores Municipal Court (Wayne County)
- Grosse Pointe City Municipal Court (Wayne County)
- Grosse Pointe Park Municipal Court (Wayne County)
- Lenawee County
- Luce County
- Mason County
- Oscoda County
- Sanilac County
- Schoolcraft County

Judge Boyd moved that the staff recommendation be adopted and that the plans listed above be approved, but the cost analyses be disapproved. Mr. Eaman seconded. The motion carried.

After review, the MIDC staff recommends that the Commission approve the plans and approve the costs analyses for the following systems:

- 15th District Court – Ann Arbor (Washtenaw County)
- Alcona County
- Alpena County
- Cass County
- Chippewa County
- Emmet County
- Huron County
- Livingston County
- Montmorency County
- Muskegon County
- Ogemaw County

The total cost for the plans above is \$3,568,766.90.

Mr. Eaman moved that the staff recommendation be adopted and that both the plans and cost analyses for the systems listed above be approved. Mr. Haveman seconded. The motion carried.

Next meetings

The Commission will hold three special meetings in January: the 5th, the 8th, and the 19th. The meetings on the 5th and the 8th will be held at 10:00 am in the lower level of the Capitol National Bank Building. The time for the 19th will be determined.

The Commission's regular meeting dates for 2018 will be: February 20, April 17, June 19, August 21, October 16, and December 18.

Closing comments

Mr. Sacks thanked Chair Fisher for his work and leadership on the Commission since its inception.

Mr. Shea moved that the meeting be adjourned. Mr. Eaman seconded. The motion carried.

The meeting adjourned at 4:22 pm.

Respectfully submitted,

Marcela Westrate