

## Michigan Indigent Defense Commission Meeting Minutes

The meeting was held remotely via Zoom in compliance with the Open Meetings Act and Public Act 228 of 2020 and pursuant to Ingham County's state of emergency resolution #21-138 to reduce transmission of COVID-19 and protect the health of Commissioners, MIDC staff and members of the public interested in attending the meeting. The MIDC website and meeting notice included information for members of the public on how to participate.

**April 20, 2021**

**Time: 9:00 am**

### **Commission Members Participating**

During roll call Commissioners were asked to identify the county, city, town or village and state from which they are attending, that information is reflected below in parentheses following each Commissioner's name.

- Judge Jeffrey Collins (Wayne County, Michigan)
- Joshua Blanchard (Greenville, Montcalm County, Michigan)
- Andrew DeLeeuw (Sharon Township, Washtenaw County, Michigan)
- Judge James Fisher (Manatee County, Florida)
- Christine Green (Scio Township, Washtenaw County, Michigan)
- David Jones (Detroit, Wayne County, Michigan)
- Margaret McAvoy (Mount Pleasant, Isabella County, Michigan) (joined at 10:24 am)
- Tom McMillin (Oakland Township, Oakland County, Michigan)
- Cami Pendell (Eaton County, Michigan)
- Michael Puerner, Chair, (Ada, Kent County, Michigan)
- Judge Kristina Robinson Garrett (Detroit, Wayne County, Michigan) (joined at 10:12 am)
- John Shea (Dexter Township, Washtenaw County, Michigan)
- William Swor (Detroit, Wayne County, Michigan)
- Gary Walker (Chocolay Township, Marquette County, Michigan), joined at 10:00 am

### **Commission Members Absent:**

Tracey Brame, Kimberly Buddin, Hakim Crampton, James Krizan

### **Staff Members Participating**

Loren Khogali, Barbara Klimaszewski, Marla McCowan, Kelly McDoniel, Rebecca Mack, Deborah Mitchell, Susan Prentice-Sao, Christopher Sadler, Jonah Siegel, Nicole Smithson, Kristen Staley, Melissa Wangler and Marcela Westrate

Chair Collins called the Michigan Indigent Defense Commission ("MIDC" or "the Commission") meeting to order at 9:01 am.

### **Introduction of Commission members and guests**

Chair Collins welcomed attendees to the meeting. Guests were invited to introduce themselves.

### **Public Comment**

There were no members of the public wishing to provide comment. A written comment from Carl Winslow was received via email prior to the meeting and distributed to members of the Commission.

### **Additions to agenda**

The Urban Institute was unable to participate in the meeting. Chair Collins asked for a motion to remove item 8a from the agenda and to approve the remainder of the agenda as amended.

Commissioner Puerner moved that item 8a be removed from the agenda. Judge Fisher supported the motion. The motion carried.

### **Consent Agenda**

Commissioner Swor moved that the consent agenda containing the open and closed session minutes from February 23, 2021 and the proposed Memorandum of Understanding with the Attorney General's office for FY21 be approved. Commissioner Green seconded. The motion carried.

### **Chair Report**

Chair Collins thanked the members of the Strategic Planning Committee for their work since the committee's appointment. He thanked Judge Fisher, Ms. Khogali and Ms. McCowan for their work on the mediation with Wayne County. Chair Collins participated in the MIDC's Leadership Conference and thanked Commissioner Crampton for the presenting during one of the sessions.

### **Executive Director's Report**

Ms. Khogali provided an overview of the meeting materials and an oral report to supplement her written report included in the meeting materials. Ms. Khogali highlighted the Social Worker Defense report and manual released by the Commission. She also welcomed Shunkea Brown to MIDC. Ms. Brown has been hired as MIDC's Grant Analyst.

### **Commission Business**

#### **Executive Committee**

Chair Collins provided an overview of the committee's activities. The committee met and prepared the agenda for the April meeting and discussed items relating to the agenda.

#### **Strategic Planning Committee**

Commissioner Green, chair of the committee, updated the Commission on its activities. The committee has met three times since its creation. The committee plans to make recommendations to the commission. The committee will be providing regular updates to the Commission and will share a draft of the mission statement. Commissioner Green invited input from Commissioners who were not formally on the committee.

#### **Wayne County Mediation**

Ms. Khogali provided an update on the process. Attorney Pam Enslin was appointed as mediator by the State Court Administrator as required by the MIDC Act. Mediation is focused on a disapproved portion of the County's cost analysis totaling \$4.9 million to build meeting rooms in the new Wayne

County Criminal Justice Complex that will house the jail, juvenile detention facility and courthouse. The Commission otherwise approved \$31.3 million to fund Wayne County's plan for compliance with minimum indigent defense standards. The Commission has provided Wayne County a grant contract for the approved funding. Judge Fisher, Ms. Khogali and Ms. McCowan participated on behalf of the MIDC. No resolution was reached through mediation and the mediator offered a recommendation for a resolution on the matter.

Judge Fisher provided an overview of the mediator's recommendation and expressed his support of the Commission approving that resolution. The recommendation was distributed commissioners.

Judge Fisher moved that the Commission approve the resolution recommended by Ms. Enslin. Commissioner Walker supported the motion.

The Commissioners discussed the motion. James Heath spoke on behalf of Wayne County, offering the County's perspective on the mediation and the recommended resolution.

Commissioner Shea moved to table the motion temporarily to allow the Commission to review the recommendation. Commissioner Blanchard supported the motion. The motion carried.

## **Review of FY21 Compliance Plan Submissions**

### Plan changes

Oakland County would like to hire a chief attorney to oversee its office of indigent defense services prior to October 1 so that the County can prepare to implement Standard 5. The plan change can be accomplished through existing funds by reallocating from several different areas. MIDC staff recommends approving this request.

Commissioner Swor moved that the staff recommendation be adopted and that Oakland County's plan change be approved. Judge Collins supported. The motion carried.

### Budget adjustments

The Grants Director approved a budget adjustment request for the 37<sup>th</sup> District Court in Warren/Centerline. A budget adjustment from Shiawassee County was denied.

### City of Inkster

Ms. McCowan provided an overview of the City of Inkster's resubmitted plan and cost analysis. The staff recommendation is to approve the resubmitted plan and cost analysis.

Judge Fisher moved that the staff recommendation be adopted and that the City of Inkster's resubmitted plan and cost analysis be approved. Commissioner Green seconded the motion. The motion carried. Commissioner Jones abstained from the vote because of his role as the City Attorney.

### City of Hazel Park

Ms. McCowan provided an overview of the plan and cost analysis resubmitted by the City of Hazel Park. The staff recommendation is to approve the resubmitted plan and partially approve the cost analysis with reductions to personnel costs and related fringe benefit due to the system's failure to provide sufficient documentation.

Judge Fisher moved that the staff recommendation be adopted and that the resubmitted plan and cost analysis be approved with the reductions to personnel funding. Commissioner Walker supported the motion. The motion carried.

### **EGraMS Introduction**

Ms. McCowan gave an overview of the new grant management system (EGraMS). Commissioners will receive training on this system in the next few months. All compliance plans for FY22 will be submitted through this system.

The Commission went at ease for 10 minutes.

### **Return to discussion of Wayne County Mediation**

This item was tabled earlier in the meeting. Commissioner Shea moved to remove this item from the table and return to discussion and consideration. Commissioner Swor seconded the motion. Commissioner Blanchard requested a voice vote to confirm that a majority of members voted to remove it from the table. Chair Collins called for the yeas and nays. The motion carried, a majority of members voting in support.

After discussion, the Commission addressed the motion made by Judge Fisher and seconded by Commissioner Walker to approve the settlement recommended by the mediator. The motion carried, Commissioner Blanchard opposing the motion.

### **Compliance Resolution Process**

Ms. Khogali provided an overview of the proposed draft compliance resolution process. She invited Commissioners to provide feedback and thanked Ms. McDoniel for her work on this document. The document will be before the Commission in June for consideration.

### **Presentation by Public Sector Consultants**

Scott Dzurka, Erin Lammers, and Stephan Vitvitsky presented on the work that Public Sector Consultants (PSC) has completed so far and next steps. PSC is working to complete the local share report that is required by statute to be delivered to the legislature by October 31, 2021.

### **Presentation on Expungement, Commissioner Crampton**

Commissioner Crampton was unable to attend the meeting. The presentation was postponed until a future date.

### **Executive Director Evaluation Review**

Ms. Khogali requested that the Commission consider her evaluation in a closed session. Commissioner Shea moved to go into closed session under MCL 15.268(a) to consider the periodic personnel evaluation of Ms. Khogali and under MCL 15.268(h) to consider material exempt from disclosure under section 13(1)(g) of the Freedom of Information Act. Judge Fisher seconded. Chair Collins requested a roll call vote. The motion carried with 13 yeas (Collins, Blanchard, DeLeeuw, Fisher, Green, Jones, McAvoy, McMillin, Puerner, Robinson Garrett, Shea, Swor and Walker) and 0 nays. The Commission moved into closed session at 11:37 am.

Commissioner Puerner moved that the Commission return to open session. Commissioner Shea seconded. Chair Collins requested a roll call vote. The motion carried with 13 yeas (Collins,

Blanchard, DeLeeuw, Fisher, Green, Jones, McAvoy, McMillin, Puerner, Robinson Garrett, Shea, Swor and Walker) and 0 nays. The Commission returned to open session at 11:57 am.

Commissioner Puerner moved that Ms. Khogali's performance evaluation be accepted as presented by the Chair. Commissioner Blanchard seconded. The motion carried. Chair Collins will meet with Ms. Khogali to review the evaluation.

Judge Fisher moved that the meeting be adjourned. Commissioner Green seconded the motion. The motion carried. The meeting adjourned at 12:01 pm.

The next meeting is June 15, 2021.

Respectfully submitted,  
Marcela Westrate