

Michigan Indigent Defense Commission Meeting Minutes

The meeting was held in person at the Michigan Bankers Association building in Lansing, Michigan. Remote access via Zoom was available for Commissioners and, upon request, for members of the public. The MIDC website and meeting notice included information for members of the public on how to contact the MIDC to obtain the Zoom link for participation. Commissioners were able to participate remotely if they qualified for an exemption under the Open Meetings Act or if they requested an accommodation under the Americans with Disabilities Act, 42 USC 12131 *et. seq.*, and Rehabilitation Act, MCL 395.81 *et. seq.*, pursuant to Attorney General Opinion No. 7318.

October 11, 2022

Time: 11:00 am

Michigan Bankers Association
507 S. Grand Ave, Lansing, MI 48933

Commission Members Participating

The following members participated in person:

- Chair Christine Green
- Tracy Brame
- Kimberly Buddin
- Paul Bullock
- Hakim Crampton
- Andrew DeLeeuw
- David Jones
- James Krizan
- Deborah Kubitskey
- Judge Paula Mathes
- Margaret McAvoy
- John Shea
- Rob VerHeulen

The following member requested an accommodation under the Americans with Disabilities Act to participate via Zoom:

- Gary Walker (Chocolay Township, Marquette County, Michigan)

The following member attended the meeting via Zoom, but was not counted for purposes of determining a quorum and did not participate in the discussions:

- Joshua Blanchard

The following Commissioners were absent:

- Judge Jim Fisher
- Tom McMillin
- Cami Pendell
- William Swor

Chair Green called the meeting to order at 11:04 am.

Public Comment

The following people provided public comment:

- Angela Peterson
- Daniel Eichinger
- Jill Tines
- Robin Dillard-Russaw
- Jill Tines

Approval of Agenda

Commissioner VerHeulen moved that the agenda be adopted as presented. Commissioner Kubitsky seconded. The motion carried.

Consent Agenda

Commissioner McAvoy moved that the consent agenda containing the minutes from the June 21, 2022 meeting be adopted. Commissioner Kubitsky seconded. The motion carried.

Chair Report

Chair Green welcomed Judge Mathes to the Commission, representing the Michigan District Judges Association. Judge Fisher and Commissioner Jones were reappointed to their positions.

Commissioner Buddin chaired the new Data Committee, which had its first meeting recently. Judge Fisher and Commissioner DeLeeuw also participated.

Executive Director Report

Ms. Staley introduced new Research Analyst Neil Weinberg.

The MIDC held its first Upper Peninsula Public Defender Conference. Ms. McCowan, Ms. Wangler, and Ms. Klimaszewski presented during the meeting. Commissioner Walker attended and provided an update.

Commission Business

Standing Committee Report

Executive Committee

Chair Green provided an update on the committee's meeting. She will reconvene the Nominating Committee and will contact members to see if they are able to serve.

Legislative and Court Rules Changes Committee

The Commission was asked for input on a draft of the youth defense changes to the MIDC Act. The committee met to discuss these changes. Commissioner Shea chaired the committee and provided an overview of the changes and the committee's discussion.

Line Item Veto Committee

Commissioner VerHeulen provided an update in the absence of Commissioner McMillin, who chairs the committee. The committee considered two plans, the City of Farmington and Saginaw. The Committee supports the staff recommendations for both systems.

FY23 Budget Request and FY24 potential spend plan

Ms. Staley updated the process for requesting FY24 appropriations.

Ms. Staley presented the FY23 budget. Commissioner VerHeulen moved to adopt the FY23 budget, Commissioner Brame seconded. The motion carried, Commissioners McAvoy and Kubitskey voting no.

Mecosta County/Northern Michigan Pilot Project Update

Michael Naughton updated the Commission on the project.

Regional Update

Barbara Klimaszewski, Regional Manager for Mid-Michigan, presented on the work she is doing in her region.

MIDC Standards Implementation

FY22 Compliance Planning

Jackson County requested a change to its FY22 and FY23 compliance plans to incorporate circuit court Adult Treatment Court specialty court defense services. There is no anticipated change to overall costs for FY22 or FY23. Staff recommends approval.

Commissioner McAvoy moved that the plan changes to Jackson County's FY22 and FY23 compliance plans be adopted. Commissioner Shea seconded. The motion carried, Commissioner Kubitskey abstained from the vote.

Isabella County requested a change to its FY22 and FY23 compliance plans to allow the Isabella County Public Defender's Office to take over responsibilities related to indigency screening. There is no anticipated change to overall costs for FY22 or FY23. Staff recommends approval.

Commissioner McAvoy moved that the plan changes to Isabella County's FY22 and FY23 compliance plans be adopted. Commissioner Shea seconded. The motion carried.

FY23 Compliance Planning

FY23 Contract Distribution

MIDC staff provided a draft FY23 contract for the Commission's review and approval. Funding units using a non-profit vendor model for services will receive the modified language for FY23. Staff recommends adopting this new language.

Ms. McAvoy moved that the staff recommendation be adopted and the contract language be approved. Commissioner Krizan seconded. The motion carried.

Cost Analysis Revision

Alcona County requested an increase to its cost analysis. The total increase requested is \$94,850. Staff recommends approving the increase.

Commissioner Walker moved that the cost analysis revision request submitted by Alcona County be approved. Commissioner VerHeulen seconded. The motion carried.

Senior Staff Recommendations for resubmissions

Staff recommends that the cost analyses submitted by the systems listed below be approved, the compliance plans were previously approved:

- Charlevoix County
- Crawford County
- 22nd District Court - Inkster
- 30th District Court - Highland Park
- 40th District Court - City of St Clair Shores
- Newaygo County
- Oceana County

Commissioner Bullock moved that the staff recommendation be adopted and the cost analyses resubmitted by the seven systems listed above be approved. Commissioner Kubitskey seconded. The motion carried, Commissioner Jones abstained from the vote with respect to the 22nd District Court – Inkster.

Staff recommends that the compliance plans and cost analyses submitted by the systems listed below be approved:

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| • Alger County | • Iron County |
| • Cheboygan County | • Muskegon County |
| • Chippewa County | • Oakland County |
| • Delta County | • Otsego County |
| • Emmet County | • Wexford/Missaukee Counties |

Commissioner VerHeulen moved that the staff recommendation be adopted and that the compliance plans and cost analyses submitted by the 10 systems listed above be approved. Commissioner Krizan seconded. The motion carried.

Staff recommends that a portion of the cost analysis resubmitted by Saginaw County be approved, the compliance plan was previously approved. Without documentation to support the increases for

misdeemeanor and capital representation included in the resubmission, the recommendation is to fund at the requested levels from the first submission.

Commissioner McAvoy moved that the staff recommendation be adopted and that the cost analysis resubmitted by Saginaw County be partially approved. Commissioner Crampton seconded. The motion carried.

Staff recommends that the compliance plan and a portion of the cost analyses resubmitted by the 4th District Court in the City of Farmington be approved. Staff does not recommend approving the funding for the clerk time for weekend arraignments should be eliminated completely.

Commissioner Kubitskey moved that the staff recommendation be adopted and that the compliance plan be approved and the cost analysis be partially approved. Commissioner Bullock seconded. The motion carried.

Commissioner Bullock moved that the meeting be adjourned. Commissioner Crampton seconded. The motion carried. The meeting was adjourned at 2:30 pm.

The next meeting will be December 20, 2022 at 11:00 am in Lansing.