

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.

February 7, 2023

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
- Joshua Blanchard
- Tracy Brame
- Kimberly Buddin
- Paul Bullock
- Andrew DeLeeuw
- Judge James Fisher
- David Jones
- Deborah Kubitskey
- Judge Paula Mathes
- Margaret McAvoy
- Tom McMillin
- John Shea
- William Swor
- Rob VerHeulen

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

- Hakim Crampton (Jackson County)
- Gary Walker (Chocolay Township, Marquette County, Michigan)

The following Commissioners were absent:

- James Krizan

Chair Green called the meeting to order at 11:00 am.

Approval of Agenda

Commissioner DeLeeuw moved that the agenda be amended to move public comment to the beginning of the meeting. Commissioner McAvoy seconded.

Commissioner McMillin moved an amendment to also have public comment at the end of the meeting as indicated on the agenda. Commissioner Shea seconded the amendment.

The Commission considered Commissioner McMillin's amendment. The motion to adopt the amendment carried, the following members voting no: Blanchard, Bullock, Crampton, Jones, Kubitskey, and McAvoy.

The Commission considered Commissioner DeLeeuw's motion as amended by Commissioner McMillin. The motion carried.

Commissioner Shea moved to adopt the agenda as amended. Commissioner McMillin seconded. The motion carried.

Public Comment

The following people provided public comment:

- Jill Recker
- Angela Peterson
- Craig Paull
- Lillian Diallo

Matthew Sawicki submitted written comments for the Commission's consideration.

Consent Agenda

Commissioner Blanchard moved that the consent agenda containing the minutes from the December 20, 2022 meeting be adopted. Commissioner VerHeulen seconded. The motion carried.

Chair Report

Chair Green recognized Black History Month and presented the link to the American Bar Association's 21-Day Racial Equity Habit-Building Challenge.

Chair Green asked for members' input regarding the time of the Commission's meetings. The Commission meetings will be held at 9:30 am beginning in April.

Chair Green provided an update about Commissioners' activities since the last meeting.

Executive Director Report

Ms. Staley provided an update on MIDC staff activities since the last meeting.

Ms. Staley presented an overview of a Request for Proposals for a Recruitment and Support for Rural Defense. This project would aid systems who are coming into compliance with Standards 6 and 7.

Commissioner Brame moved that the Executive Director be allowed to seek RFPs for Recruitment and Support for Rural Defense. Commissioner Shea seconded. The motion carried, Commissioners Kubitskey and McAvoy opposing.

Commission Business

Chair Green provided a report on the Executive Committee's meeting.

Judge Fisher provided a report on the Indigence and Compensation Committee. The committee met to discuss an appropriate guideline for a maximum rate if a funding unit wishes to pay more than the minimum set by the Commission. The second issue discussed is how the cost of living adjustment is applied.

Commissioner Buddin provided a report on the Data Committee. The committee has proposed changes to the compliance plan and grant manual that will be before the Commission for its consideration later in the meeting.

FY23 Compliance Planning

Alpena County has requested a change to its FY23 compliance plan and cost analysis. The cost analysis change would be an increase to the total system cost. The plan change is to include Oscoda County in the regional office that currently includes Alpena and Montmorency Counties. The increase to the total system cost is related to a double homicide case that resulted in the county underestimating its funding needs for the current fiscal year. The additional funding needed for FY23 is \$165,847.06, the new total for the system cost would be \$941,015.04. Staff recommends approval.

Commissioner Kubitskey moved that Alpena County's requested changes to its compliance plan and cost analysis be approved. Judge Fisher seconded. The motion carried.

Oscoda County has requested a change to its FY23 compliance plan and cost analysis. The cost analysis change would be an increase to the total system cost. Oscoda County proposes joining the regional public defender office that includes Alpena and Montmorency Counties. Oscoda County requested an increase of \$60,051.33 to its FY23 cost analysis, bringing the total system cost to \$369,601.33. Staff recommends approval.

Commissioner Swor moved that Oscoda County's requested changes to its compliance plan and cost analysis be approved. Commissioner Shea seconded. The motion carried.

Allegan, Iosco, and Monroe Counties requested additional funding to reimburse the counties for overspending in FY22 that was not covered by the approved cost analysis. Commissioner McAvoy moved that these three counties be reimbursed for overspending. Commissioner DeLeeuw seconded. The motion carried.

Genessee County requested a change to its FY23 cost analyses to increase the total system cost. The request was made because of unforeseen expenses related to case resentencings after the recent Michigan Supreme Court's decision in *People v Stovall* and *People v Parks*. Additionally, in FY22 the county had funding approved for furniture, this furniture was not delivered in FY22 because of supply chain issues but money was spent in FY23 to pay for these items. The total increase requested is \$470,000, and the new system cost would be \$7,217,929.08. Staff recommends approval.

Commissioner Swor moved that Genessee County's request be approved. Commissioner McAvoy seconded. The motion carried.

FY24 Compliance Planning

Marla McCowan reviewed the changes made to the FY23 compliance plan for submission in FY24. The plans will be submitted through EGrAMS, and a document will be available online for systems to review before the system opens to FY24 plans in April.

Commissioner Brame moved that the compliance plan for FY24 be adopted with the recommended changes. Commissioner Bullock seconded. The motion carried.

Ms. McCowan reviewed the changes made to the Grant Manual.

Commissioner Blanchard moved to approve everything up to page 25 of the Grant Manual as presented, with the language added by the Commission. Commissioner Swor seconded. The motion carried.

Commissioner Swor moved to approve the remainder of the Grant Manual – pages 26 through page 34, with the language added by the Commission. Commissioner Brame seconded. The motion carried.

Ms. McCowan reviewed the revised rubric that is appended to the Grant Manual.

Commissioner Swor moved that the amended rubric be adopted. Commissioner VerHeulen seconded. The motion carried.

Regional Update

Senior Regional Manager Melissa Wangler gave an update on the Northern Michigan Region.

Public Comment

The following people provided public comment:

- Daniel Elman
- Athena Khebari
- Peter Menna

Judge Fisher moved that the meeting be adjourned. Commissioner VerHeulen seconded. The motion carried.

The meeting adjourned at 3:00 pm.

The next meeting will be April 18, 2023 at a new time of 9:30 am.