

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.

June 13, 2023

Time: 9:30 am

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

Commission Members Participating

The following members participated in person:

- Chair Christine Green
- Thomas Adams
- Tracy Brame
- Kimberly Buddin
- Paul Bullock
- Andrew DeLeeuw
- Judge James Fisher
- James Krizan
- Debra Kubitskey
- Judge Paula Mathes
- Margaret McAvoy
- Alicia Moon
- William Swor
- Rob VerHeulen

The following member observed the meeting via Zoom but did not participate in the discussions or voting:

- Joshua Blanchard

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 Commissioners were absent:

- David Jones
- Tom McMillin
- John Shea

Chair Green called the meeting to order at 9:38 am.

Introduction of Commission members and guests

Chair Green invited guests to introduce themselves to the Commission.

Public Comment

The following people provided public comment:

- Jill Recker
- Matt Farrar
- Fred Johnson
- Angie Doremia
- Joe Fisher
- Angela Gasiewski
- Mark Eisenbarth
- Darell Paige
- Andrew Sullivan
- Craig Paull

Approval of Agenda

There were no changes made to the agenda as presented. Commissioner McAvoy moved that the agenda be adopted, Judge Fisher seconded. The motion carried.

Consent Agenda

Commissioner Krizan moved that the consent agenda containing the minutes from April 18, 2023 be adopted. Commissioner Bullock seconded. The motion carried.

Chair Report

Chair Green introduced two new commissioners. Thomas Adams was appointed by Governor Whitmer representing the general public. He succeeds Hakim Crampton, whose term expired.

Chief Justice Clement designated Alicia Moon to serve on the MIDC in an ex officio capacity.

Executive Director Report

Executive Director Staley updated the Commission on staff's activities. She provided an overview of the anticipated costs for Standards 6 and 7.

Commissioner Brame moved that the Executive Director be authorized to submit the FY25 proposal for change reflecting the MIDC's needs for Standards 6 and 7. Commissioner Swor seconded. A roll call vote was requested. The motion carried with 8 yeas (Green, Adams, Brame, Buddin, DeLeeuw, Fisher, Swor, and VerHeulen) and 6 nays (Bullock, Krizan, Kubitskey, Mathes, McAvoy, and Walker).

The MIDC has been asked to post public defense-related job postings its website. Commissioner Brame moved that public defense related job postings from funding units be posted on the MIDC's website. Commissioner Adams seconded. The motion carried.

Commission Business

2022 Annual Report

Judge Fisher moved that the 2022 annual report be approved. Commissioner Krizan seconded. The motion carried.

2024 MIDC Grant Contract

Judge Fisher moved that the FY2024 grant contract be approved as edited. Commissioner Bullock seconded. The motion carried.

Executive Committee Report

Chair Green updated the Commission on the Executive Committee's meeting.

MIDC Standards Implementation

Marla McCowan provided an overview of staff's communication with Muskegon County.

Commissioner VerHeulen moved that MIDC staff be authorized to pursue mediation with Muskegon County. Commissioner Swor seconded.

Commissioner Kubitskey moved that the motion be tabled. Commissioner McAvoy seconded. The motion to table carried. Judge Mathes abstained from the discussion and vote.

Regional Update: Wayne County

Kelly McDoniel, Regional Manager for Wayne County, presented on her work in the region.

FY24 Compliance Planning

Ad Hoc Committee Reports

The Increase to Direct Costs in Compliance Plans Committee met on June 7. Ms. McCowan and Commissioner Swor provided an overview of the meeting.

The General Increases in Compliance Plans Committee met on June 7. Ms. McCowan and Chair Green provided an overview of the meeting.

The Line Item Reduction Committee chaired by Commissioner McMillin met on June 7. Ms. McCowan provided an overview of the meeting in Commissioner McMillin's absence.

The Data Committee met on May 26. Commissioner Buddin provided an overview of the committee's activities.

Action on FY24 Compliance Plans and Cost Analyses

Hillsdale and Otsego Counties did not submit compliance plans and cost analyses by the April deadline. Staff recommends that the failure to submit be treated as a disapproval of both the plan and cost analysis for each system.

Judge Fisher moved that the failure of Hillsdale and Otsego Counties to submit a compliance plan and cost analysis be treated as a disapproval. Commissioner Brame seconded. The motion carried.

Ms. McCowan provided an overview of the compliance plans and cost analyses submitted by Crawford and St. Joseph Counties. Staff recommends that the compliance plans and cost analyses for these two systems be disapproved.

Commissioner Swor moved that the compliance plans and cost analyses submitted by Crawford and St. Joseph Counties be disapproved. Commissioner Brame seconded. The motion carried.

Ms. McCowan presented an overview of the plans submitted by Barry and Isabella Counties. Commissioner DeLeeuw moved that the compliance plans and cost analyses submitted by Barry and Isabella Counties be disapproved. Commissioner Brame seconded. Chair Green called for a roll call vote. The motion failed with five yeas (Green, Brame, Buddin, Swor, and Walker) and nine nays (Adams, Bullock, DeLeeuw, Fisher, Krizan, Kubitskey, Mathes, McAvoy, and VerHeulen).

Judge Fisher moved that the compliance plans and cost analyses submitted by Barry and Isabella Counties be approved. Commissioner Kubitskey seconded. The motion carried.

Ms. McCowan provided an overview of the compliance plans and cost analyses submitted by the following systems:

- Alger County
- Benzie and Manistee Counties
- 41-a-1 District Court – Sterling Heights
- Emmet County
- Kalkaska County
- Presque Isle County

Commissioner Bullock moved to approve the compliance plans and cost analyses submitted by the six systems listed above. Commissioner Kubitskey seconded. Chair Green called for a roll call vote. The motion carried with eight yeas (Adams, Bullock, DeLeeuw, Krizan, Kubitskey, Mathes, McAvoy, and VerHeulen) and six nays (Green, Brame, Buddin, Fisher, Swor, and Walker).

Ms. McCowan provided an overview of the compliance plans and cost analyses submitted by the following systems:

- Arenac County
- Berrien County
- Chippewa County
- 25th District Court – Lincoln Park

- Iron County
- Muskegon County
- Saginaw County

Commissioner Kubitskey moved that the compliance plans and cost analyses submitted by the seven systems listed above be disapproved. Commissioner Swor seconded. The motion carried.

Commissioner Krizan abstained from the discussion and vote with respect to the 25th District Court in Lincoln Park. Judge Mathes abstained from the discussion and vote with respect to Muskegon County.

Ms. McCowan provided an overview of the compliance plans and cost analyses submitted by Macomb and Oakland Counties. Senior staff recommends approving the compliance plans and approving a portion of the cost analyses submitted by these systems. In Macomb County, staff recommends deleting the construction reserve request of \$280,012 and using FY23 approved costs to cover the project. In Oakland County, senior staff recommends reducing the cost allocation to the amount limited for indirect costs (a reduction of \$72,028.55) and awaiting a cost allocation study.

Commissioner Bullock moved that the compliance plans and a portion of the cost analyses submitted by Macomb and Oakland Counties be approved. Commissioner Adams seconded. The motion carried.

Ms. McCowan provided an overview of the compliance plans and cost analyses submitted by the following systems:

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| • 16 th District Court – Livonia | • 31 st District Court – Hamtramck |
| • 17 th District Court – Redford | • 32a District Court – Harper Woods |
| • 19 th District Court – Dearborn | • 33 rd District Court – Woodhaven |
| • 20 th District Court – Dearborn Hgts. | • 34 th District Court – Romulus |
| • 21 st District Court – Garden City | • 35 th District Court – Canton Twp. |
| • 22 nd District Court – Inkster | • City of Grosse Pointe |
| • 23 rd District Court – Taylor | • City of Grosse Pointe Farms |
| • 24 th District Court – Allen Park | • City of Grosse Pointe Woods |
| • 27 th District Court – Wyandotte | • 18 th District Court – Westland |
| • 28 th District Court – Southgate | • 36 th District Court – Detroit |
| • 29 th District Court – City of Wayne | • Wayne County |
| • 30 th District Court – Highland Park | |

Commissioner Adams moved that the compliance plans and cost analyses submitted by the 23 systems listed above be approved. Commissioner Krizan seconded. The motion carried.

Ms. McCowan provided an overview of the compliance plans and cost analyses submitted by the following systems:

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| • Clinton County | • Eaton County |
| • Gratiot County | • Genesee County |

- Ingham County
- Jackson County
- Lenawee County
- Livingston County
- Monroe County
- Shiawassee County
- Washtenaw County

Commissioner VerHeulen moved that the compliance plans and cost analyses for the 11 systems listed above be approved. Commissioner Kubitskey seconded. The motion carried. Commissioner DeLeeuw abstained from the discussion and vote with respect to Washtenaw County. Commissioner Kubitskey abstained from the discussion and vote with respect to Jackson County.

Ms. McCowan provided an overview of the compliance plans and cost analyses submitted by the following systems:

- Allegan and Van Buren Counties
- Branch County
- Calhoun County
- Cass County
- City of Grand Rapids
- City of Wyoming
- Ionia County
- Kalamazoo County
- Kent County
- Montcalm County
- Ottawa County

Commissioner Bullock moved that the compliance plans and cost analyses submitted by the 11 systems listed above be approved. Commissioner Adams seconded. The motion carried. Commissioner Brame abstained from the discussion and vote with respect to Kent County.

Ms. McCowan provided an overview of the compliance plans and cost analyses submitted by the following systems:

- Alpena County
- Montmorency County
- Oscoda County
- Clare and Gladwin Counties
- Lake County
- Mason County
- Mecosta County
- Newaygo County
- Oceana County
- Osceola County
- Bay County
- Alcona County
- Huron County
- Iosco County
- Midland County
- Ogemaw County
- Roscommon County
- Sanilac County

Commissioner McAvoy moved that the compliance plans and cost analyses submitted by the 18 systems listed above be approved. Commissioner Kubitskey seconded. The motion carried. Commissioner Bullock abstained from the discussion and vote with respect to Mecosta County.

Ms. McCowan provided an overview of the compliance plans and cost analyses submitted by the following systems:

- Baraga, Houghton, and Keweenaw Counties
- Wexford and Missaukee Counties
- Marquette County
- Antrim County
- Grand Traverse County
- Leelanau County
- Gogebic County
- Ontonagon County
- Charlevoix County
- Cheboygan County
- Delta County
- Dickinson County
- Luce County
- Mackinac County
- Menominee County
- Schoolcraft County

Commissioner Swor moved that the compliance plans and cost analyses for the 16 systems listed above be approved. Commissioner Adams seconded. The motion carried.

Ms. McCowan provided an overview of the compliance plans and cost analyses submitted by the following systems:

- St. Clair County
- Lapeer County
- 37th District Court – Warren and Centerline
- 38th District Court – Eastpoint
- 39th District Court – Roseville
- 40th District Court – St. Clair Shores
- 41a2 District Court – Charter Township of Shelby
- 41b District Court – Clinton Township
- 43-1 District Court – Hazel Park
- 43-2 District Court – Ferndale
- 43-3 District Court – Madison Heights
- 44th District Court – Royal Oak
- 45th District Court – Oak Park
- 46th District Court – Southfield
- 47th District Court – Farmington
- 48th District Court – Birmingham
- 50th District Court – Pontiac
- 51st District Court – Waterford

Judge Mathes moved that the compliance plans and cost analyses for the 18 systems listed above be approved. Commissioner Kubitskey seconded. The motion carried.

Chair Green adjourned the meeting at 3:22 pm.

The next meeting will be August 15, 2023, at 9:30 am.

Respectfully submitted,
 Marcela Westrate