

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 25, 2024

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
- Joshua Blanchard
- Kimberly Buddin
- Paul Bullock
- Andrew DeLeeuw
- Judge James Fisher
- James Krizan
- Debra Kubitskey
- Judge Paula Mathes
- Margaret McAvoy
- Tom McMillin
- Alicia Moon (non-voting member)
- John Shea
- William Swor
- Rob VerHeulen

The following Commissioners were absent:

- Tracey Brame
- David Jones

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

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

Chair Green called the meeting to order at 9:30 am.

Introduction of Commission members and guests

Chair Green invited guests to introduce themselves to the Commission. Muskegon County Public Defender Amy Campanelli introduced herself.

Public Comment

The following people provided public comment:

- Jill Recker
- Daniel Eichinger
- Robin Dillard-Russaw
- Karen Moore
- Sean Murphy

Approval of Agenda

Commissioner McAvoy moved to adopt the agenda as presented. Commissioner Adams seconded. The motion carried.

Consent Agenda

Commissioner Shea moved that the minutes from the April 30, 2024 meeting be removed from the consent agenda and that the minutes be amended on page 3, in by inserting the following language in the FY25 Compliance Planning Resources section, second paragraph following “The Commission discussed the motion”: “and spoke approvingly of Wayne County’s policy of providing pre-charge representation at lineups and show ups but felt constrained by the MIDC Act, which does not permit funding of services not mandated by the Sixth Amendment.” Commissioner McMillin supported. The motion carried.

Commissioner Bullock moved that the minutes be adopted as amended. Commissioner McAvoy seconded. The motion carried.

Chair Report

Chair Green updated Commissioners on the availability of office hours to talk to MIDC staff about plans and staff recommendations. She provided an overview of the Executive Committee’s activities.

Executive Director Report

Executive Director Staley updated the Commission on the appropriations status for the 2025 fiscal year. She anticipates that the legislature will be seeing greater reporting requirements in the final budget’s boilerplate language. To meet these anticipated requirements, the FY25 grant contract has additional requirements for documentation.

Commissioner DeLeeuw moved that the grant contract between LARA, MIDC, and local systems for the FY2025 compliance plan and cost analysis be approved. Commissioner Adams supported. The motion carried.

Commission Business

Standing committee reports

Chair Green provided an update on the Executive Committee's activities.

MIDC Standards Implementation

Marla McCowan updated the Commission on FY24 activities.

FY25 Compliance Planning Resources

Ms. McCowan provided an overview of the plans and cost analyses for the systems listed below. The staff recommendation is to approve the compliance plan and cost analysis for each system.

- Oakland County
- City of Birmingham
- City of Madison Heights
- City of Oak Park
- City of Royal Oak
- City of Southfield
- Macomb County
- City of Eastpointe
- City of Sterling Heights
- Wayne County
- City of Dearborn
- City of Dearborn Heights
- Canton Township
- City of Allen Park
- City of Garden City
- City of Grosse Pointe
- City of Grosse Pointe Farms
- City of Grosse Pointe Park
- City of Hamtramck
- City of Harper Woods
- City of Highland Park
- City of Inkster
- City of Livonia
- City of Romulus
- City of Southgate
- City of Taylor
- City of Wayne
- City of Wyandotte
- Grosse Ile Township
- Township of Redford
- City of Grosse Pointe Woods
- City of Lincoln Park
- City of Westland
- Alpena County
- Montmorency County
- Oscoda County
- Isabella County
- Newaygo County
- Oceana County
- Allegan County
- Barry County
- Bay County
- Berrien County
- Calhoun County
- City of Grand Rapids
- Ionia County
- Kalamazoo County
- Ottawa County
- St. Joseph County

The Commission recessed briefly. Nicole Walter provided an update on the activities in the MIDC's South Central Michigan region.

Ms. McCowan continued the overview of the compliance plans and cost analyses for the systems listed below. The staff recommendation is to approve the compliance plan and cost analysis for each system.

- Clinton County
- Gratiot County
- Eaton County
- Genesee County
- Hillsdale County
- Ingham County
- Livingston County
- Monroe County
- Shiawassee County
- Washtenaw County
- Delta County
- Dickinson County
- Emmet County
- Gogebic County
- Ontonagon County
- Houghton, Baraga and Keweenaw Counties
- Iron County
- Luce County
- Manistee and Benzie Counties
- Menominee County
- Presque Isle County
- Wexford and Missaukee Counties

Commissioner Shea moved that the compliance plans and cost analyses for Kalamazoo and Ingham Counties be considered separately and that the compliance plans and cost analyses for the following plans be approved:

- Oakland County
- City of Birmingham
- City of Madison Heights
- City of Oak Park
- City of Royal Oak
- City of Southfield
- Macomb County
- City of Eastpointe
- City of Sterling Heights
- Wayne County
- City of Dearborn
- City of Dearborn Heights
- Canton Township
- City of Allen Park
- City of Garden City
- City of Grosse Pointe
- City of Grosse Pointe Farms
- City of Grosse Pointe Park
- City of Hamtramck
- City of Harper Woods
- City of Highland Park
- City of Inkster
- City of Livonia
- City of Romulus
- City of Southgate
- City of Taylor
- City of Wayne
- City of Wyandotte
- Grosse Ile Township
- Township of Redford
- City of Grosse Pointe Woods
- City of Lincoln Park
- City of Westland
- Alpena County
- Montmorency County
- Oscoda County
- Isabella County
- Newaygo County

- Oceana County
- Allegan County
- Barry County
- Bay County
- Berrien County
- Calhoun County
- City of Grand Rapids
- Ionia County
- Ottawa County
- St. Joseph County
- Clinton County
- Gratiot County
- Eaton County
- Genesee County
- Hillsdale County
- Livingston County
- Monroe County
- Shiawassee County
- Washtenaw County
- Delta County
- Dickinson County
- Emmet County
- Gogebic County
- Ontonagon County
- Houghton, Baraga and Keweenaw Counties
- Iron County
- Luce County
- Manistee and Benzie Counties
- Menominee County
- Presque Isle County
- Wexford and Missaukee Counties

Commissioner Swor seconded. The motion carried. Commissioner Blanchard abstained from the vote and discussion with respect to the following plans: City of Dearborn, Calhoun County, Berrien County, St. Joseph County, Washtenaw County and Manistee and Benzie Counties. Commissioner DeLeeuw abstained from the discussion and vote with respect to Washtenaw County. Judge Fisher abstained from the discussion and vote with respect to the City of Grand Rapids.

Commissioner McAvoy requested a roll call vote.

A roll call vote was taken. The motion carried with 14 yeas (Green, Adams, Buddin, Bullock, DeLeeuw, Fisher, Krizan, Kubitskey, Mathes, McAvoy, McMillin, Shea, Swor, VerHeulen), 0 nays, 1 abstention (Blanchard). Commissioner DeLeeuw abstained from the discussion and vote with respect to Washtenaw County. Judge Fisher abstained from the discussion and vote with respect to the City of Grand Rapids.

Commissioner McAvoy moved that Kalamazoo County's compliance plan and cost analysis be approved. Commissioner Adams seconded. Chair Green requested a roll call vote. A roll call vote was taken. The motion carried, with 8 yeas (Green, Adams, DeLeeuw, Fisher, Krizan, Kubitskey, McAvoy, VerHeulen) and 7 nays (Blanchard, Buddin, Bullock, Mathes, McMillin, Shea, Swor).

Commissioner McAvoy moved that Ingham County's compliance plan and cost analysis be approved. Commissioner Kubitskey seconded. Chair Green requested a roll call vote. The motion carried with 10 yeas (Green, Adams, Buddin, Bullock, DeLeeuw, Fisher, Krizan, Kubitskey, McAvoy, VerHeulen) and 5 nays (Blanchard, Mathes, McMillin, Shea, Swor).

Ms. McCowan provided an overview of the compliance plan and cost analysis submitted by Jackson County. MIDC staff recommends approval of the compliance plan and a portion of the cost analysis in the amount of \$4,998,037.12. The County requested funding in the amount of \$5,000,437.12.

Commissioner Swor moved that Jackson County's compliance plan and a portion of the County's cost analysis be approved. Commissioner VerHeulen seconded. Chair Green requested a roll call vote. The motion carried with 12 yeas (Green, Adams, Blanchard, Buddin, Bullock, DeLeeuw, Fisher, Mathes, McMillin, Shea, Swor, VerHeulen) 2 nays (Krizan, McAvoy). Commissioner Kubitsky abstained from the discussion and vote.

Ms. McCowan provided an overview of the compliance plans and cost analyses listed below. The staff recommendation is to approve the compliance plans submitted by these systems and disapprove the cost analyses.

- Antrim County
- Grand Traverse County
- Leelanau County
- Cass County
- Charlevoix County
- Charter Township of Shelby
- Charter Township of Waterford
- City of Farmington Hills
- City of Ferndale
- City of Hazel Park
- City of Pontiac
- City of Roseville
- City of St Clair Shores
- City of Warren
- Clare and Gladwin Counties
- Lake County
- Mason County
- Mecosta County
- Osceola County
- Crawford County
- Kalkaska County
- Kent County
- Mackinac County
- Muskegon County
- Schoolcraft County
- St. Clair County

Commissioner VerHeulen moved that the compliance plans for the systems listed above be approved and that the cost analyses for these systems be disapproved. Commissioner Adams seconded.

Commissioner McMillin offered an amendment that that Kent County be taken out of this group. Commissioner McAvoy seconded.

Commissioner VerHeulen accepted the amendment. The amended motion before the Commission was to approve the compliance plans and disapprove the cost analyses for the systems listed below:

- Antrim County
- Grand Traverse County
- Leelanau County
- Cass County
- Charlevoix County
- Charter Township of Shelby
- Charter Township of Waterford
- City of Farmington Hills
- City of Ferndale
- City of Hazel Park
- City of Pontiac
- City of Roseville
- City of St Clair Shores
- City of Warren
- Clare and Gladwin Counties
- Lake County
- Mason County
- Mecosta County

- Osceola County
- Crawford County
- Kalkaska County
- Mackinac County
- Muskegon County
- Schoolcraft County
- St. Clair County

Chair Green requested a roll call vote. The motion carried with 14 yeas (Green, Adams, Blanchard, Buddin, DeLeeuw, Fisher, Krizan, Kubitskey, Mathes, McAvoy, McMillin, Shea, Swor, VerHeulen), 1 nay (Bullock). Commissioner Bullock abstained from the discussion and vote with respect to Mecosta County. Commissioner Krizan abstained from the discussion and vote with respect to the City of Ferndale. Commissioner Mathes abstained from the discussion and vote with respect to Muskegon County.

Commissioner McMillin moved that the compliance plan and cost analysis submitted by Kent County be disapproved. Commissioner Shea seconded. The motion was withdrawn.

Commissioner VerHeulen moved that the compliance plan submitted by Kent County be approved and the cost analysis be disapproved. Commissioner Bullock seconded. Chair Green requested a roll call vote. The motion carried with 15 yeas (Green, Adams, Blanchard, Buddin, Bullock, DeLeeuw, Fisher, Krizan, Kubitskey, Mathes, McAvoy, McMillin, Shea, Swor, VerHeulen) and 0 nays.

Ms. McCowan provided an overview of the systems listed below. The staff recommendation is to disapprove both the compliance plans and the cost analyses submitted by these systems.

- Arenac County
- Alcona County
- Branch County
- Cheboygan County
- Chippewa County
- City of Detroit
- Clinton Township
- Huron County
- Iosco County
- Lapeer County
- Marquette County
- Midland County
- Montcalm County
- Ogemaw County
- Roscommon County
- Otsego County
- Sanilac County
- Tuscola County
- Lenawee County
- Saginaw County
- Van Buren County

Judge Mathes moved that the compliance plans and cost analyses submitted by the systems listed above be disapproved. Commissioner Kubitskey seconded. Chair Green requested a roll call vote. The motion carried with 15 yeas (Green, Adams, Blanchard, Buddin, Bullock, DeLeeuw, Fisher, Krizan, Kubitskey, Mathes, McAvoy, McMillin, Shea, Swor, VerHeulen) and 0 nays.

Alger County did not submit a compliance plan or cost analysis before the due date. Judge Mathes moved to treat Alger County's failure to submit as a disapproval of the compliance plan and cost analysis. Commissioner Bullock seconded. The motion carried.

Chair Green adjourned the meeting at 2:35 pm.

The next meeting will be August 20, 2024, at 9:30 am.

Respectfully submitted,

Marcela Westrate