

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.

December 17, 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
- Tracey Brame
- Paul Bullock
- Michael Carter
- Andrew DeLeeuw
- Judge James Fisher
- David Jones
- Loren Khogali
- Debra Kubitskey
- Judge Paula Mathes
- Margaret McAvoy
- Tom McMillin
- Alicia Moon
- Glenn Simmington
- Rob VerHeulen

The following Commissioners were absent:

- James Krizan

The following members requested accommodations under the Americans with Disabilities Act to participate via Zoom:

- Kimberly Buddin (Novi, Oakland County, Michigan)
- Gary Walker (Chocolay Township, Marquette County, Michigan)

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

Public Comment

The following people provided public comment:

- Robin Dillard Russaw
- Pete Menna

Approval of Agenda

Commissioner Brame moved that the agenda be adopted. Commissioner Adams seconded. The motion carried.

Consent Agenda

Commissioner Adams moved that the consent agenda containing the minutes from the October 2024 meeting be adopted. Commissioner Kubitskey seconded. The motion carried.

Chair Report

Chair Green provided her last update as Commission Chair. She will recommend to the next Chair that a workgroup be created to discuss the use of cost allocation plans for indirect costs.

Executive Director Report

Executive Director Staley provided an overview of staff activities with Wayne County. A formal noncompliance notice has been issued with the County.

Deputy Director Marla McCowan updated the Commission on her work in the County. Ms. McCowan is seeking these things to bring the County into compliance: a point of contact; a work order or purchase order to show new Polycoms have been ordered; an architectural plan and a firm timeline; and attorneys reporting wait times of less than 15 minutes.

Nominations Committee Report

Committee chair Andrew DeLeeuw provided the committee's report and recommendations. The committee nominated the following Commissioners to serve as Officers: Tracey Brame, Chair; Rob VerHeulen, Vice Chair; and Gary Walker, Secretary. The committee also recommends current Chair Green and Judge Fisher serve as ex officio and non-voting members of the Executive Committee.

Commissioner DeLeeuw moved that the committee's recommendation be adopted. Commissioner McMillin seconded. The motion carried.

Marla McCowan, Melissa Wangler, Susan Prentice-Sao, Jonah Siegel, and Rebecca Mack presented "Compliance with Standards and Best Practices in Public Defense" for 2024.

Notice of Non-Compliance

Wayne County

Commissioner McMillin moved to direct staff to prepare and file paperwork for litigation regarding the non-compliance of Wayne County in the matters discussed. Commissioner Brame seconded. After discussion, Commissioner McAvoy moved to call the question. Commissioner Bullock seconded. The motion to call the question carried.

Chair Green requested a roll call vote on Commissioner McMillin's motion. A roll call vote was taken. The motion failed with 1 yea (McMillin) and 15 nays (Green, Adams, Brame, Buddin, Bullock, Carter, DeLeeuw, Fisher, Jones, Khogali, Kubitskey, Mathes, McAvoy, Simmington, and VerHeulen).

Commissioner Khogali moved that the Commission send a letter to Wayne County advising the County to fulfill the conditions identified by Ms. McCowan (listed in the Executive Director report above) and to schedule a special meeting on January 21, 2024 at 11:30 am with the Commission's Assistant Attorney General present to discuss options if in fact the County does not comply.

Commissioner Brame seconded the motion. Commissioner Green requested a roll call vote. A roll call vote was taken. The motion passed with 15 yeas (Green, Adams, Brame, Buddin, Bullock, Carter, DeLeeuw, Jones, Khogali, Kubitskey, Mathes, McAvoy, McMillin, Simmington, and VerHeulen) and 1 nay (Fisher).

Chair Green adjourned the meeting at 12:45 pm.

Respectfully submitted,
Marcela Westrate