



# KALAMAZOO COUNTY GOVERNMENT

In the Pursuit of Extraordinary Governance...

## MINUTES

KALAMAZOO COUNTY BOARD OF COMMISSIONERS

SPECIAL MEETING

NOVEMBER 14, 2017

ITEM 1        Call to Order: The Special Meeting of the Board of Commissioners was called to order by Chairperson Shugars, at 4:30 pm in the Board of Commissioner's Room, second floor, County Administration Building, 201 West Kalamazoo Avenue, Kalamazoo, Michigan, on November 14, 2017.

ITEM 2        Invocation: Commissioner Tuinier.

ITEM 3        Pledge of Allegiance: Commissioner Tuinier led the Pledge of Allegiance.

ITEM 4        Roll Call: Commissioners John Gisler, Tracy Hall, Ron Kendall, Scott McGraw, Stephanie Moore, Mike Quinn, Julie Rogers, Michael Seals, Dale Shugars, Roger Tuinier and Kevin Wordelman.

Members Absent: None.

Administrators Present: Tracie Moored, County Administrator/Controller; Amber Beebe, Assistant Corporate Counsel; Amanda Morse, Deputy County Administrator; Lisa Henthorn, Deputy County Administrator; Thom Canny, Circuit Court/Probate Court Administrator; Ann Filkins, District Court Administrator; Judge Santoni; Judge Haenicke; Dina Sutton, Executive Coordinator.

ITEM 6        Citizens' Time

Chairperson Shugars stated that Citizens' Time was when any citizen could address the Board on a non-agenda item. He said anyone wishing to address the Board on a non-agenda item should come to the podium, give their name and address, and limit their remarks to four minutes. He said if anyone would like to speak about an item that was on the consent agenda, they could ask that it be removed from the consent agenda at this time or he would provide an opportunity just prior to that section of the agenda.

ITEM 7        For Consideration



A. Indigent Defense Plan Discussion

Ms. Amber Beebe, Assistant Corporate Counsel presented a Power Point presentation which had been distributed prior to the meeting.

Commissioner Gisler inquired if the \$1.76 was comparable to existing costs and Ms. Beebe indicated that it was.

Commissioner Kendall inquired about the capital improvement and if the State was paying for those improvements and Ms. Beebe indicated the office would be part of the Sheriff's Office and Michigan Avenue Courthouse and it was hopeful the State would assist.

Commissioner Kendall inquired if Ms. Beebe knew how many other counties were continuing the contractual route for public defense and she indicated she did not know.

Commissioner Quinn inquired if there was any consideration to language barriers and Ms. Beebe indicated that could be considered under social work section.

Commissioner Tuinier inquired if the Plan was contingent on State funding and Ms. Beebe indicated that was correct and the County did not have to implement the Plan until 6 months after receiving the funds from the State.

Commissioner Tuinier stated he felt the renovation costs were high and Ms. Beebe indicated the Committee had worked with Buildings & Grounds

Commissioner Rogers inquired about the discrepancy in costs from the last presentation to this presentation. Ms. Beebe indicated the numbers presented prior were estimates.

Commissioner Rogers clarified that the County would not be on the hook for this Plan until the State approved the Plan and until funds were received from the State.

Commissioner Rogers indicated she would support the plan as presented.

Commissioner McGraw stated he was confused by the renovations needed and Ms. Beebe indicated they were necessary to be compliant.

Commissioner McGraw inquired about the makeup of the Board and Ms. Beebe indicated the Committee had come up with the suggested makeup of the Board but that didn't need to be determined right now.

Commissioner Seals indicated historically when the County looked at Indigent Defense it was going to cost substantially more.



Commissioner Hall thanked the Committee for their work. She too had concerns about the makeup of the Board.

Vice Chair Moore thanked the Committee, particularly Judge Santoni for all their work on this. She stated it would be expected that the Board would receive reports and presentations. She stated she was happy with the outcome.

B. Request for Approval of Resolution to Submit Indigent Defense Plan to the State of Michigan  
Commissioner Wordelman moved and it was duly seconded that the Board of Commissioners approve the following Resolution:

WHEREAS, Public Act No. 93 and 94 of 2013 created the Michigan Indigent Defense Commission (MIDC) and provided for its powers and duties to provide indigent defendants in criminal cases with effective assistance of counsel; to provide for the appointment of legal counsel; to provide for and limit certain causes of action; and to provide for certain appropriations and grants; and

WHEREAS, MCL 780.985 outlines the procedure for the MIDC Commission and the MIDC proposed four (4) initial minimum standards for the local delivery of indigent criminal defense services for the Department of Licensing and Regulatory Affairs (LARA) to approve or reject; and

WHEREAS, MCL 780.985(4) requires the MIDC to convene a public hearing on the standards, a public hearing having been held and public comment received, the MIDC submitted the first four (4) proposed standards to the Michigan Supreme Court for consideration on January 4, 2016; and

WHEREAS, The Michigan Supreme Court accepted written comments on the standards beginning January 11, 2016 through May 1, 2016, and held a public hearing on the standards on May 18, 2016; and

WHEREAS, On June 1, 2016, the Michigan Supreme Court issued an order conditionally approving the proposed standards, subject to the legislative amendments to the MIDC Act shifting the MIDC from an independent agency housed within the Judicial Branch to one within LARA; and

WHEREAS, Pursuant to MCL 780.985(4), the MIDC submitted the standards to LARA for approval or rejection on February 7, 2017, and

WHEREAS, the MIDC Act, as amended, gave LARA the authority to prescribe a manner for interested parties to voice opposition to the proposed minimum standards which ended on March 9, 2017 and MCL 780.985(4) provides that the proposed minimum standards are final once they are approved by LARA, and

WHEREAS, the proposed standards were approved by LARA following review of the standards and public comment, and



WHEREAS, Pursuant to MCL 780.985(5), indigent criminal defense systems (herein the County), were given 180 days from the date of May 22, 2017 (November 20, 2017) to submit compliance plans to the MIDC pursuant to MCL 780.993(3), and

WHEREAS, the County having deliberated on the proposed system consisting of an independent Public Defender’s Office 100% funded by the County and the State,

NOW, THEREFORE, BE IT RESOLVED that the Kalamazoo County Board of Commissioners approve submission of a compliance plan to the MIDC for a government funded not-for-profit Public Defender’s Office as its proposed indigent defense delivery system.

The roll call vote was as follows:

Ayes:	All members present except
Nays:	Commissioner Kendall
Abstains:	None
Absent:	None

The motion carried.

**NON-CONSENT AGENDA ITEMS**

**The following Items are Non-Consent Agenda Items and will be voted on individually.**

ITEM 8 Old Business

There was no old business.

ITEM 9 New Business

There was no new business.

ITEM 10 County Administrator’s Report

There was no County Administrator’s report.

ITEM 11 Member’s Time

Commissioner Tuinier thanked all those who worked on the Plan.

Commissioner Rogers stated she too felt translation services was an issue that needed to be looked at. She commended past Commissioners for their hard work on this issue.

Commissioner Hall indicated the county was awarded a \$25,000 grant from the Kalamazoo Foundation for the County ID Program.



Commissioner Seals stated this had been a long time coming and was proud to see it come this far.

Commissioner Gisler stated he distributed a sheet on taxable values on properties over the last ten years.

ITEM 12      Vice Chairperson's Report

Vice Chairperson Moore thanked everyone for their work on this Plan. She thanked Commissioner Rogers for acknowledging former Commissioners who worked on this issue. She thanked Ms. Beebe for her work on this Plan. She stated the work continued.

ITEM 13      Chairperson's Report

Chairperson Shugars stated he would like a facilitator to serve on the new Public Defender Board to bring them together. He challenged the Board to gather data on the current model and come up with a model for the new Office. He would like information in the Newsletter or the County's website on the office.

ITEM 14      Adjournment

There being no further business to come before the Board, Chairperson Shugars adjourned the meeting at 5:22 p.m.

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Timothy A. Snow  
Clerk/Register of Deeds

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Dale Shugars, Chairperson  
Kalamazoo County Board of  
Commissioners

