



# MEMORANDUM

TO: Board of Commissioners  
FROM: County Administration  
DATE: May 1, 2019  
SUBJECT: Supplemental Materials for the May 1, 2019 Ways & Means Meeting

Attached are supplemental materials received after the print deadline.

For consideration at the Ways & Means meeting on May 1, 2019:

## **IV B. Public Safety and Justice**

**1 A – Public Defender – Michigan Indigent Defense Contract, Budget Adjustment, and Position Creations.** This item is an updated version of the resolution included in your packet, and is intended to be a substitute for that item. The only changes in this version reflect that the positions created through this action would be classified as grant status positions. This information was inadvertently omitted from the printed version.

If I can be of further assistance, please contact me at 222-6824 or [deleeuwa@washtenaw.org](mailto:deleeuwa@washtenaw.org).

Thank you,

Andrew DeLeeuw,  
Executive Assistant to the County Administrator

A RESOLUTION AUTHORIZING THE CREATION OF THE WASHTENAW COUNTY  
INDIGENT DEFENSE FUND AND THE APPROVAL OF THE CREATION OF EIGHT  
POSITIONS IN THE PUBLIC DEFENDER OFFICE

WASHTENAW COUNTY BOARD OF COMMISSIONERS

May 15, 2019

WHEREAS, The Washtenaw County Public Defender Office represents approximately 75% of all criminal defendants throughout the county in state and local criminal matters, including violations of probation matters, and the Public Defender office as well as the Washtenaw county Indigent defense delivery system has enjoyed a long standing reputation for excellence; and

WHEREAS, The Michigan Indigent Defense Commission (MIDC), created by legislation in 2013 (MCL §780.991) and charged with identifying and encouraging best practices for delivering the effective assistance of counsel to indigent defendants, required all Michigan indigent defense delivery systems to create a separate fund to hold MIDC Grants funds as well as local share funds MCL 780.993(14)(b); and

WHEREAS, The fund will be utilized for the accounting of expenditures and revenues (state and local) for the operation of the local criminal indigent defense system; and

WHEREAS, The State Department of Treasury created this fund for the local chart of accounts; and

WHEREAS, The funds that support the Washtenaw County juvenile indigent defense system will also be transferred into the newly created fund account utilizing the same high standards for the accounting of expenditures and revenues as for the adult indigent system; and

WHEREAS, The MIDC Compliance plan approved by the Board of Commissioners on November 15, 2017 and approved for re-submission with a budget adjustment on June 11, 2018 as well as approved by the MIDC; and

WHEREAS; the plan put forth in proposal identifies and addresses area were with adequate financial resources as well as formalize best practices already used by the Public Defender Office will ensure that the Washtenaw County Indigent defense delivery system fully compliances with the first four standards issued by the MIDC; and

WHEREAS, In preparing for the implementation of the MIDC standards and as the indigent defense system was modified with the input of county and court stakeholders, it became evident that the staffing needs to fully comply with the standards needed to be revised; and

WHEREAS, The Washtenaw Public Defender's office attorney staff numbers have remained unchanged for over 25 years while there has been a steady increase of the number of adult criminal actions filed; and

WHEREAS, it is requested that the Board of commissioners approved the creation of the Washtenaw County Indigent Defense Fund as required by MCL 780.993(14)(b) and to authorize the transfer of the Adult and Juvenile indigent defense system funds to be transfer into said account fund; and

WHEREAS, it is also requested that Board of Commissioners authorize the creation of eight positions in the Public Defender Office that were approved to be funded by the Michigan Indigent Defense Commission grant to fully comply with the approved Washtenaw County Compliance Plan for Standards 1-4 for improvements for to the Washtenaw County Indigent Public Defender Delivery System; and

WHEREAS, this matter has been reviewed by Corporation Counsel, the Finance Department, Human Resources, the County Administrator's Office, and the Ways and Means Committee.

NOW THEREFORE BE IT RESOLVED that the Washtenaw County Board of Commissioners hereby authorizes the creation of the Washtenaw County Indigent Defense Fund as required by MCL 780.993(14)(b).

BE IT FURTHER RESOLVED that the Washtenaw County Board of Commissioners authorizes the following actions contingent upon receipt of the grant award in conformity with the application:

1. Authorizing the Administrator to sign the Notice of Grant Award/Contract, and any necessary amendments to the grant award/contract, and any other grant award/contract related documents
2. Authorizing the Administrator to sign delegate contracts in conformity with the application/award upon review of Corporation Counsel, to be filed with the County Clerk.
3. Amending the budget as attached hereto and made a part hereof

BE IT FURTHER RESOLVED that the Washtenaw County Board of Commissioners authorizes the creation of the following grant status positions in ORG 19002900:

<b>Position ID(s)</b>	<b>Position Title</b>	<b>Grade</b>	<b>Group</b>	<b>Create</b>	<b>Eliminate</b>
33430001	Deputy Assistant Public Defender	33	4100	1	
33030004	First Assistant Public Defender	33	6100	1	
28050015	Assistant Public Defender	28/30/32	6100	1	

16540002- 1654004	Legal Clerk	16	1100	3	
231 10001	Social Worker	22	1000	1	
27190019	Management Analyst	27/29	4100	1	