Legislation Details (With Text)

File #:	18-1610	**Version:**	1	**Name:**	10/15/18 Resolution to Accept and Appropriate Michigan Indigent Defense Commission Grant Award and Approve Grant Contract ($197,122.68) (8 Votes Required)
Type:	Resolution			**Status:**	Passed
File created:	10/15/2018			**In control:**	City Council
On agenda:	10/15/2018			**Final action:**	10/15/2018
Enactment date:	10/15/2018			**Enactment #:**	R-18-407
Title:	Resolution to Accept and Appropriate Michigan Indigent Defense Commission Grant Award and Approve Grant Contract ($197,122.68) (8 Votes Required)				
Sponsors:					
Indexes:					
Code sections:					
Attachments:	1. Grant Contract Template - Approved by MIDC.pdf				

Date	Ver.	Action By	Action	Result
10/15/2018	1	City Council	Approved	Pass

Resolution to Accept and Appropriate Michigan Indigent Defense Commission Grant Award and Approve Grant Contract ($197,122.68) **(8 Votes Required)**
This resolution seeks Council approval for a grant contract with the Michigan Indigent Defense Commission (MIDC), and further seeks authorization to accept and appropriate grant funds from the Michigan Indigent Defense Commission (MIDC) without regard to City Fiscal Year.

The Michigan Indigent Defense Commission (MIDC) was created by legislation in 2013 after an advisory commission recommended improvements to the state's legal system. (MCL §780.991)

The MIDC is statutorily required to develop and oversee the implementation, enforcement, and modification of minimum standards, rules, and procedures to ensure that indigent criminal defense services providing effective assistance of counsel are delivered to all indigent adults in this state consistent with the safeguards of the United States constitution, the state constitution of 1963, and with the Michigan Indigent Defense Commission Act.

The MIDC is charged with identifying and encouraging best practices for delivering the effective assistance of counsel to indigent defendants charged with crimes. The MIDC will also collect data, support compliance and administer grants to achieve these goals.

MIDC requires that all indigent defense delivery systems in Michigan must submit compliance plans and cost projections for all the standards approved by the Department of Licensing and Regulatory Affairs.

It is important to note that a system's duty of compliance with the terms of the compliance plan is contingent upon receipt of a grant in the amount contained in the plan and cost analysis approved by

the MIDC. See MCL §780.997.

On May 22, 2017, The Michigan Indigent Defense Commission published the first four standards for indigent criminal defense services that were approved by the Department of Licensing and Regulatory Affairs. Those first four standards cover training and education of counsel, the initial client interview, use of investigation and experts, and counsel at first appearance and other critical stages.

Budget/Fiscal Impact: No matching funds are required for acceptance of this grant award.

However, the City is required to continue to maintain indigent defense funding at the average annual net cost in the three years prior to the passage of the Michigan Indigent Defense Commission Act in 2013, an amount referred to as the “Local Share”. The local share amount for the City of Ann Arbor is $202,061.50.

A separate grant account must be established by the City Finance Department to allow for better management and monitoring of grant funds.
Prepared by: Shryl Samborn, Court Administrator, 15th Judicial District Court
Approved by: Howard S. Lazarus, City Administrator
Whereas, The United States Constitution and the amendments thereto, as well as the Michigan Constitution provide that people charged with criminal offenses are entitled the right to have an attorney represent them in court proceedings;

Whereas, The judicial system recognizes the rights of persons without the ability to pay for an attorney and/or other legal services (such as hiring investigators or expert witnesses) have the same right of legal representation in the court system as a person who can afford to pay for an attorney and/or other legal services;

Whereas, The State of Michigan ("State") has created the Michigan Indigent Defense Commission ("MIDC") within the Department of Licensing and Regulation;

Whereas, The MIDC is purposed with creating more effective and equitable funding at the State and local level for persons who are charged with criminal offenses and do not have the financial ability to pay for an attorney and/or other legal services;

Whereas, The State, through the MIDC, is separating the financial matters of court appointed cases away from the court system to local court funding units (i.e., in this case, the City of Ann Arbor on behalf of the 15th District Court, which requires creation of a separate fund within the local chart of accounts;

Whereas, The MIDC accepted grant applications to fund court-appointed attorney and related legal services from local court funding units to provide funding by the State to the local court funding units beginning October 1, 2018;

Whereas, This new fund within the local chart of accounts will accept all funds from the State through MIDC grants and will charge all MIDC-related costs to this fund;

Whereas, The MIDC recommends any fund balance at the end of the City's fiscal year should remain in the newly created fund and not revert to the City's general fund so that funds are used exclusively

for court appointed attorney and related legal services;

Whereas, The MIDC recommends any fund balance at the end of the City's fiscal year shall remain in the fund to carry-over to the next year to be used for future compliance expenditures;

Whereas, The City acknowledges that a separate fund will allow for better management of the grant funds and monitoring by the local and state interested parties; and

Whereas, City Council determines that this is an important service and source of funding for defendants in criminal cases who do not have the ability to afford an attorney or legal services in the 15th District Court;

RESOLVED, That City Council accept the MIDC Grant Award for expenditure without regard to City Fiscal Year and approve the Grant Contract;

RESOLVED, That the Mayor and City Clerk be authorized and directed to execute the contract on behalf of the Court and the City following approval as to form by the City Attorney and as to substance by the City Administrator;

RESOLVED, That Council authorize the City Administrator to take all necessary administrative actions to implement this resolution; and

RESOLVED, That City Council authorize the City Finance Department to establish a separate grant account to receive, hold, disburse and account for funds awarded pursuant to this grant.