

TO THE HONORABLE BOARD OF COMMISSIONERS OF BERRIEN COUNTY MICHIGAN,
Your County Administration Committee respectfully recommends the adoption of the following:

R E S O L U T I O N

WHEREAS, the Michigan Indigent Defense Commission (“MIDC”) was created by Public Act 93 of 2013; and

WHEREAS, on October 13, 2016, Resolution C1610291 was approved by the Berrien County Board of Commissioners creating the Berrien County Public Defender’s Office and established the staffing levels in response to the MIDC’s task of standardizing the provision of legal representation to indigent individuals charged with a crime; and

WHEREAS, as required, an annual Compliance Plan (“Plan”), is submitted to MIDC to request operational funding through their grant process; and

WHEREAS, the MIDC has added another required standard (5): Judicial Independence is required for FY2022, whereby the Berrien County Public Defender Office will assume authority from the Trial Court to conduct indigency screenings and appointment of attorneys to qualifying individuals; and

WHEREAS, in order to meet Standard 5, to more fully implement the holistic defense model, and to provide retroactive funding protection for any pandemic-related overspending, the amount requested for the period October 1, 2021 to September 30, 2022 was increased to reflect additional staff and funding categories to meet these obligations; and

WHEREAS, the Board of Commissioners authorized applying for FY2022 grant funding via resolution A2104199 on April 15, 2021, which reflected the additional staff and funding; and

WHEREAS, the total cost analysis of the Plan for FY2022 is \$4,077,849.00, of which the County’s local share will be \$569,469.67; and

WHEREAS, the MIDC has approved Berrien County’s request as described above and has provided a grant agreement through an online portal called EGRAMS for FY2022 to reflect a grant reimbursement for the period of October 1, 2021 to September 30, 2022 of \$3,508,379.23; and

WHEREAS, the supervision of the Trial Court – Family Division contracts that fall under the direction of the Public Defender’s Office, is beyond the permitted scope of MIDC funding, is not funded by the MIDC grant, nor is it included in the above listed local share, but rather is funded by Berrien County at an estimated cost of \$9,720.27; and

WHEREAS, the MIDC Grant Agreement has been reviewed and approved by Corporate Counsel.

NOW, THEREFORE, BE IT HEREBY RESOLVED that the Berrien County Board of Commissioners approves Grant Number 2022-107 between Berrien County and the MIDC and authorizes the Chairman of the Board of Commissioners or his designee to execute said agreement.

BE IT FURTHER RESOLVED that should this request not be fully funded, modifications may be made and resubmitted by the County Administrator but formal acceptance of any grant remains with the Board of Commissioners.

BE IT FINALLY RESOLVED that any employee positions added in accordance with this funding will be eliminated by the Board of Commissioners should the grant be no longer sufficient to cover the cost of same.

**RESPECTFULLY SUBMITTED,
BERRIEN COUNTY ADMINISTRATION COMMITTEE**

Jim Curran, Chairperson

Don Meeks, Sr., Vice Chair

David Vollrath

Julie Wuerfel

RESOLUTION APPROVED AS TO FORM	
Administrator <u>[Signature]</u>	Date <u>8-2-21</u>
Comments Attached _____	
Corporate Council _____	Date _____
Comments Attached _____	