

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

**RESOLUTION**

**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 (“BOC”) 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**, a Compliance Plan (“Plan”), has been submitted annually as approved by the BOC, and for the period of October 1, 2020 through September 30, 2021 Berrien County was awarded \$2,521,256.87 with a local share of \$574,534.13; and

**WHEREAS**, implementation of the new MIDC 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 should be increased to reflect additional staff and funding categories to meet these obligations; and

**WHEREAS**, to provide for supervision for Trial Court – Family Division contracts, which is beyond the permitted scope of MIDC funding, the sum of \$9,720.27 is requested beyond the County’s local share; 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.

**NOW, THEREFORE, BE IT HEREBY RESOLVED** that the Berrien County Board of Commissioners authorizes and directs the Chief Public Defender to submit the request for funding in the amount of \$4,077,849.00 for the period October 1, 2021 to September 30, 2022.

**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 BOC.

**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 _____	Date 4/12/21
Comments Attached _____	
Corporate Counsel _____	Date _____