

Minutes of a regular meeting of the Chippewa County Board of Commissioners, held at the Chippewa County Courthouse, 319 Court St., Sault Ste. Marie, Michigan on the 13th day of August, 2018 at 2:00 p.m.

PRESENT: Scott Shackleton, Don McLean, Jim Martin, Conor Egan and Robert Savoie

ABSENT: None

The following preamble and resolution was offered by Commissioner McLeod and seconded by Commissioner Martin.

RESOLUTION NO. 18-20

TO CREATE A NEW FUND WITHIN THE LOCAL CHART OF ACCOUNTS FOR PURPOSES OF ACCEPTING GRANT FUNDS FROM THE MICHIGAN INDIGENT DEFENSE COMMISSION AND CHARGING ALL MIDC PLAN-RELATED COSTS TO SAID FUND

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; and

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; and

WHEREAS, the State of Michigan (“State”) has created the Michigan Indigent Defense Commission (“MIDC”) within the Department of Licensing and Regulation; and

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; and

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 County of Chippewa on behalf of the 91st District Court and the 50th Circuit Court). Which requires creation of a separate fund within the local chart of accounts; and

WHEREAS, the MIDC is receiving grant application 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; and

WHEREAS, the MIDC allows for grant applications to request funds for limited construction costs to allow for criminal defense attorneys and their clients to meet in a private and secure setting at or near a courtroom, in furtherance of protecting attorney-client confidentiality; and

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; and

WHEREAS, the MIDC recommends any fund balance at the end of the County’s fiscal year should remain in the newly created fund and not revert to the County’s general fund so that funds are used exclusively for court appointed and related legal services; and

WHEREAS, the MIDC recommends any fund balance at the end of the County’s fiscal year shall remain in the fund to carry over to the next year to be used for future compliance expenditures; and

WHEREAS, the County 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, the Chippewa County Board of Commissioners determines that this is an important service and source of funding for defendants in criminal case who do not have the ability to afford an attorney or legal services in the 91st District Court and 50th Circuit Court.

NOW, THEREFORE BE IT RESOLVED that the Chippewa County Board of Commissioners hereby resolves that the Chippewa County Administration shall create a separate fund within the local chart of accounts to accept all funds from the State through MIDC grants and to charge all MIDC-related costs to this fund.

BE IT FURTHER RESOLVED that all funds received through the MIDC will be placed in this fund and all MIDC-related costs shall be charged to this fund; any fund balance at the end of the County’s fiscal year will remain in the fund and carry over to the next year to be used for future compliance expenditures.

A VOTE WAS TAKEN AS FOLLOWS

AYES: Scott Shackleton, Don McLean, Jim Martin, Conor Egan and Robert Savoie

NAYS: None

ABSTAINED: None

RESOLUTION DECLARED ADOPTED.

Scott Shackleton, Chairman, Chippewa County Board of Commissioners

Catherine C. Maleport, County Clerk

STATE OF MICHIGAN)
) ss.
COUNTY OF CHIPPEWA)

I hereby certify that the foregoing is a true and complete copy of the resolution adopted by the County Board of Commissioners of Chippewa County at a regular meeting held on the date first stated above, and I further certify that public notice of such meeting was given as provided by law.

Catherine C. Maleport, County Clerk