

FINANCE COMMITTEE
October 17, 2018
Minutes

Members Present: Grebner, Crenshaw, Morgan, Tennis (arrived at 6:11 p.m.), Anthony, and Schafer

Members Absent: Koenig

Others Present: Judge Thomas Boyd, Bill Conklin, Michael Townsend, Lindsey LaForte, and others.

The meeting was called to order by Chairperson Grebner at 6:00 p.m. in Conference Room D & E of the Human Services Building, 5303 South Cedar Street, Lansing, Michigan.

Approval of the October 3, 2018 Meeting Minutes

WITHOUT OBJECTION, CHAIRPERSON GREBNER STATED THE OCTOBER 3, 2018 MEETING MINUTES WERE APPROVED AS PRESENTED. Absent: Commissioners Tennis and Koenig.

Additions to the Agenda

10. Board of Commissioners – Resolution to Authorize Membership with the Capitol Council of Governments

Limited Public Comment

None.

MOVED BY COMM. MORGAN, SUPPORTED BY COMM. SCHAFFER, TO APPROVE A CONSENT AGENDA CONSISTING OF THE FOLLOWING ACTION ITEMS:

1. Sheriff's Office – Resolution to Authorize an Agreement with Delhi Township for Police Services from January 1, 2019 through December 31, 2022
2. 55th District Court
 - a. Resolution Authorizing the Ingham County 55th District Court to Accept a Grant Award from the Michigan Supreme Court State Court Administrative Office - Michigan Mental Health Court Grant Program (SCAO-MMHCGP), Continue a Probation Officer Position, and Enter into Subcontracts
 - b. Resolution Authorizing the Ingham County 55th District Court to Accept a Grant Award from the Michigan Supreme Court's State Court

Administrative Office - Michigan Drug Court Grant Program (SCAO-MDCGP) and Enter into Subcontracts

3. Health Department
 - a. Resolution to Accept Substance Use Disorder Funding Award
 - b. Resolution to Authorize the First Year of a New Funding Cycle of the Americorps*Vista Grant 2018-2019
 - c. Resolution to Authorize Agreements with Wayne Children's Healthcare Access Program to Act as the Fiduciary/Payee for Agency Funding

5. Innovation & Technology Department
 - a. Resolution to Approve the Purchase of an Additional License for Netbrain Software
 - b. Resolution to Approve the Contract for Renewing Courtview Support Services
 - c. Resolution to Approve Renewal of Training from ITProTV

6. Financial Services
 - a. Resolution to Waive the Public Act 152 Health Care Requirements for 2019
 - b. Resolution to Accept the Recommendation of the Ingham County Health Care Coalition for Employee Benefits for 2019 and Authorizing Letters of Agreement with Bargaining Units

7. Purchasing Department – Resolution to Approve the Disposal of County-Owned Surplus Property

8. Road Department
 - a. Resolution to Authorize the Purchase of Single Tungsten Carbide Inserted Grader Blades
 - b. Resolution to Approve a Restrictive Covenant for the Kerns Road Salt Storage Site Closure Project

9. Controller/Administrator's Office – Ingham County 2019 General Appropriations Resolution

THE MOTION CARRIED UNANIMOUSLY. Absent: Commissioners Tennis and Koenig.

THE MOTION TO APPROVE THE ITEMS ON THE CONSENT AGENDA CARRIED UNANIMOUSLY. Absent: Commissioners Tennis and Koenig.

Later in the meeting, the rules were suspended to allow Commissioner Tennis to vote on the consent agenda. Commissioner Tennis voted to approve the consent agenda and the items on the consent agenda.

4. Indigent Defense Collaborative Committee – Resolution Creating an Administrator Position and an Executive Assistant Position for the Public Defenders Office

MOVED BY COMM. CRENSHAW, SUPPORTED BY COMM. SCHAFFER, TO APPROVE THE RESOLUTION.

Chairperson Grebner stated that the person that wrangled this plan for indigent defense through the State was in the room. He further stated that it looked like the Public Defender's Office would not cost the County anything but that was a false appearance.

Chairperson Grebner stated that the Public Defender's Office would break things in other departments. He further stated that there would be about 30 attorneys eventually working for the Public Defender.

Chairperson Grebner stated that those 30 attorneys would file one or two motions a week which added up to about 1,000 annually. He further stated that these would be additional briefs and hearings that the Prosecutor's Office did not deal with under the current system.

Chairperson Grebner stated that the Public Defender's Office would also be additional work for the Sheriff's Office with the increased need for transporting inmates. He further stated that the reason to create this office was not for free money, but because the current system did such a poor job that it deserved money to be spent to fix it.

Chairperson Grebner stated that the appearance of this plan created by this skillful person in the audience was that it did not cost the County money because the State will provide funding for the Public Defender's Office. He further stated that it was not true because the Public Defender's Office would create a cost of about \$2 million elsewhere in the County.

Judge Thomas Boyd, 55th District Court, stated that law enforcement could change. He further stated that there could be fewer cases like driver's license suspensions that people could not afford to pay and more cases with actual criminals committing crimes such as theft.

Judge Boyd stated that the criminal justice system was not about public safety right now, it was really about tax collection, at least at the misdemeanor level. He further stated that if the County changed and took on this challenge to spend \$2 million and stop using Courts as tax collection there may be a whole new paradigm.

Chairperson Grebner stated that he doubted that, although it was visionary.

Commissioner Schaffer asked that Judge Boyd be invited to the table to discuss this issue.

Discussion.

Chairperson Grebner stated that this was good stuff, but the County would be dragged into it kicking and screaming. He further stated that they would find that the Prosecutor's Office could

not continue to operate at the way they have and would either need to stop doing some of the things they were doing now or would need additional staff.

Chairperson Grebner stated that the County would find that the courts were busier, think the time it would take to rule on 1,000-2,000 additional motions. He further stated that ruling on a motion was not simple, and he expected that it would require a Judge to read law and the briefs, and argue with the attorneys.

Chairperson Grebner stated that at times there may be appeals for those rulings also. He further stated that the County should think of the time it would take to deal with all of those motions.

Commissioner Schafer stated that he did not debate what the Chairperson was saying, but there was a settlement of justice such as that Judge Boyd stated. He further stated that one example of a tax versus a public safety issue was the driver's responsibility fee that cost people additional \$500-1000 per year.

Commissioner Schafer stated that they needed to change the system.

Judge Boyd stated that he would like to remind the Chairperson that the issue of indigent defense had been the County's burden since 1963.

Chairperson Grebner stated that indigent defense was the County's responsibility on paper, but like many things the County was capable of doing it on such a low level that it had not cost much. He further stated that the County had run a ragged and inadequate system of defense for indigent persons.

Chairperson Grebner stated that if anyone got a good defense it was purely an accident. He further stated that every now and again there was a defendant who got a good attorney.

Judge Boyd stated that he was a big critic of the current indigent defense system but he would not say that it was that bad. He further stated that it was not quite as bad as described.

Judge Boyd stated that there were some very good lawyers doing very good work.

Chairperson Grebner stated that there were some good lawyers, but they were getting only a \$250 fee which was a strong enough incentive to not argue too much.

Discussion.

Chairperson Grebner stated that with a Public Defender, there would be a lot more contested hearings. He further stated that creating this office was a good thing, but when spending millions of dollars the Board of Commissioners needed to think of these issues.

Commissioner Morgan stated that he would like to hear from Judge Boyd about what he thought of Chairperson Grebner's comments.

Judge Boyd stated that he could not disagree with Chairperson Grebner's comments. He further stated that the best example was the National Institute of Science had come out with a report that stated that most forensic science was junk science and most of what came before judge and jury was not science.

Judge Boyd stated that some forensic science was done so poorly it did not meet the standards for science. He further stated that a local attorney, Mike Nichols, latched on to this report and the concept that the science was bad.

Judge Boyd stated the Mr. Nichols was making a boatload of money kicking the Michigan State Police (MSP) crime lab all over the State. He further stated that he had heard a case where Mr. Nichols asked the head of the MSP Crime Laboratory Technician how the process worked.

Judge Boyd stated that the MSP Technician asked Mr. Nichols if he wanted the explanation for now or before. He further stated that Mr. Nichols asked, "Before what?"

Judge Boyd stated that the MSP Technician replied, "You remember, Mr. Nichols, when you beat us in Ludington and we had to change the way we had to do things. Now or before that?" He further stated that the MSP was basically testifying saying, "Do we tell you how we used to mess it up or how we do it now?"

Judge Boyd stated that the science had been that bad and if they had not been caught or challenged, that process would have continued. He further stated that it was a perfect example of what was really going wrong.

Commissioner Tennis arrived at the meeting at 6:11 p.m.

Judge Boyd stated that the United States Supreme Court decided in 2013 you had a right to have a lawyer at a pretrial hearing. He further stated that it happened in Ingham County but not in other counties such as Eaton County.

Judge Boyd stated that Supreme Court Justice Kennedy said that 85% of cases ended in plea and there was not a system of trials anymore. He further stated that we had a system of pleas.

Judge Boyd stated that if you actually gave defense lawyers the money and resources that they needed, there would be a whole different set of pleas or trials. He further stated that the system would change.

Judge Boyd stated that these issues were conversations that the Law & Courts Committee, the Sheriff's Office, and Prosecutor's Office would need to have going forward. He further stated that he used to joke that the reason prosecutors pushed back against indigent defense in 2013 was that they were concerned that they did not have a chance to win against defense attorneys really doing their jobs because the prosecutors would need way more people.

Judge Boyd stated that in the bigger counties, the prosecutors asked to be on the indigent defense council.

Chairperson Grebner stated that they were all turned down.

Judge Boyd stated that they were all turned down and one was still suing over that issue.

Chairperson Grebner stated that eventually the County would find itself changing. He further stated that some things would need to no longer be prosecuted, but in general the Prosecutor's Office would need more people, have more work, need to give more responses because of the Public Defender's Office.

Judge Boyd stated that in 2010 then Representative Mark Meadows chaired the Judiciary Committee there was legislation in the works for the State to take over indigent defense. He further stated he attended the committee meetings to argue for local control,

Judge Boyd stated that at that time he asked the District Court to pull the last 10 juries selected. He further stated that out of the 10, 1 client plead guilty before the trial, 2 cases were dropped by the Prosecutor's Office before trial, and the other 7 were acquittals.

Judge Boyd stated that what happened when you were basically 9 for 10 was that you got much better plea deals. He further stated that one defense attorney would only take cases to trial to make a statement.

Judge Boyd stated that if that defense attorney thought that the pleas offered were not fair, then it would go to trial and she would win the case and have it right sized for next time. He further stated that there would be better deals moving forward.

Judge Boyd stated that you could not predict with 100% certainty of what the future would look like.

Commissioner Morgan stated that his questions had been answered. He stated that he would like to thank Judge Boyd for his comments.

Chairperson Grebner stated that there would be unintended byproducts of establishing the Public Defender's Office. He further stated that it was the nature of the defense attorneys to create a defense if none was available.

Chairperson Grebner stated that some money would be wasted and this would not result in everything being acquitted.

Commissioner Morgan stated that if the Public Defender's Office could accomplish one acquittal that would not be done under the current system, it was worth it.

Discussion.

THE MOTION CARRIED UNANIMOUSLY. Absent: Commissioner Koenig.

MOVED BY COMM. SCHAFFER, SUPPORTED BY COMM. CRENSHAW, TO SUSPEND THE RULES AND ALLOW COMMISSIONER TENNIS TO VOTE ON THE CONSENT AGENDA.

CHAIRPERSON GREBNER STATED THAT, WITHOUT OBJECTION, COMMISSIONER TENNIS WOULD BE ALLOWED TO VOTE ON THE CONSENT AGENDA.

COMMISSIONER TENNIS VOTED YEA ON BOTH THE CONSENT AGENDA AND TO APPROVE THE ITEMS ON THE CONSENT AGENDA.

10. Board of Commissioners – Resolution to Authorize Membership with the Capitol Council of Governments

MOVED BY COMM. CRENSHAW, SUPPORTED BY COMM. ANTHONY, TO APPROVE THE RESOLUTION.

Commissioner Anthony stated that she intended to support the resolution with a caveat. She further stated that the Board of Commissioners did not receive the annual report from the Capitol Council of Governments (CAPCOG).

Commissioner Anthony stated that CAPCOG typically shared the Programmatic and Finance Annual reports. She further stated that perhaps the liaison for CAPCOG may not have asked for the reports, but it was prudent to review the reports.

Commissioner Anthony stated that she supported the resolution. She further stated that as a former CAPCOG liaison, she thought it would be a bit disingenuous to not fund this since Clinton and Eaton Counties had been operating under the assumption that Ingham County would contribute their share.

Commissioner Anthony stated that going forward, if the County decided to not provide funding in the next year, they should do so upfront and share the information with the neighboring counties. She further stated that she would like to see the CAPCOG Programmatic and Finance reports.

MOVED BY COMM. CRENSHAW TO AMEND THE RESOLUTION AS FOLLOWS:

BE IT FURTHER RESOLVED, that the Ingham County Board of Commissioners hereby authorize inclusion of \$5,000 in the 2019 Board of Commissioners' budget for Ingham County's annual commitment to CAPCOG.

BE IT FURTHER RESOLVED, that the Ingham County Board of Commissioners requests that CAPCOG provide their 2017 Annual Programmatic and Finance Reports.

This was considered a friendly amendment.

THE MOTION TO APPROVE THE RESOLUTION, AS AMENDED, CARRIED. Yeas: Crenshaw, Morgan, Anthony, and Schafer Nays: Tennis and Grebner Absent: Koenig

Announcements

Chairperson Grebner stated that the week of Thanksgiving there was a meeting scheduled for Wednesday, November 21, 2018. He asked if the Committee would prefer to move the meeting to Tuesday, November 20, 2018, following the County Services Committee meeting.

Discussion.

Chairperson Grebner stated the November 21, 2018 Finance Committee meeting would be moved to the November 20, 2018 at 7:00 p.m.

Commissioner Anthony stated that this would be her last Committee meeting as a Commissioner. She further stated that she appreciated the members of the Committee and thanked the Chairperson for his leadership this year.

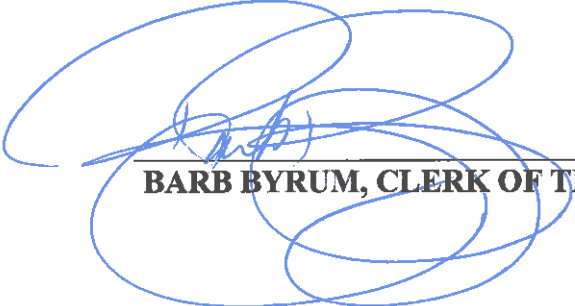
Discussion.

Public Comment

None.

Adjournment

The meeting was adjourned at 6:23 p.m.



BARB BYRUM, CLERK OF THE BOARD