

CLINTON COUNTY BOARD OF COMMISSIONERS

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Diane Zuker

RESOLUTION 2018-17 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) and they should 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 Clinton on behalf of the 65A District Court and the 29th Judicial Circuit Court), which requires creation of a separate fund within the local chart of accounts; and

WHEREAS, the MIDC is receiving 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; 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 attorney 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 Clinton County Board of Commissioners 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 65A District Court and 29th Judicial Circuit Court.

NOW, THEREFORE BE IT RESOLVED that the Clinton County Board of Commissioners hereby resolves that Clinton County 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 grants 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 carryover to the next year to be used for future compliance expenditures.

STATE OF MICHIGAN

COUNTY OF CLINTON

I, DIANE ZUKER, Clerk of the County of Clinton do hereby certify that the foregoing resolution was duly adopted by the Clinton County Board of Commissioners at the regular meeting held August 28, 2018 and is on file in the records of this office.

Diane Zuker, Clinton County Clerk