



MICHIGAN INDIGENT DEFENSE COMMISSION

Compliance Plan for Indigent Defense Standards 1 – 4

INSTRUCTIONS

Local indigent defense systems have until **November 20, 2017**, to submit to the Michigan Indigent Defense Commission (MIDC) a plan for compliance with the first four approved minimum standards for indigent criminal defense services. This document includes instructions and a compliance plan structure for the submission and information on how to calculate your request for state funding. All application questions must be answered within the requirements, and all attachments and signatures included for a complete application. Failure to submit a complete application will result in the application being disapproved and returned, per MCL 780.993(4). Applications should be submitted through the MIDC's web portal at <http://portal.michiganidc.gov/>.

The application document includes the following sections: Applicant Information, Compliance Plan Narrative, Cost Analysis, Local Share Calculation, Data Collection, and Grant Calculation. The MIDC website, <http://michiganidc.gov>, hosts helpful information for compliance planning including additional guidelines, detailed white papers on each of the four standards and several model plans including sample cost analyses for different local indigent defense delivery systems.

Guidelines for the Cost Analysis and Local Share in the Compliance Plan

All proposed, estimated, or actual expenditures reported in either the Cost Analysis or the Local Share should be reflective of direct indigent defense system activities. For any funding requests for ancillary agencies, the claimed expense must be reasonably and directly related to the indigent defense function, with a clear justification and compelling rationale. The Local Share calculation – which acts as a baseline for continued funding unit contribution to the indigent defense system – may be reported as an estimate if the actual funding level cannot be calculated. If an estimate is provided for the Local Share, the methodology to calculate the estimate must be reported. All Local Share calculations must be certified by the authorizing official on the application. The following instructions provide general guidance for the Cost Analysis and, specifically, the enhanced costs to meet the provisions of the four standards. The costs, expenditures, and rates proposed are presumed reasonable; variations will be considered on a case-by-case basis.

Standard 1 - Indigent defense systems may achieve this standard by having attorneys register for a specific training or by facilitating a local or regional training program. Registration for CLE hours will be allowed at the rate of \$25 per credit hour. Instructors for training programs will be reimbursed at reasonable consultant rates commensurate with the local market. A guideline for illustrative purposes may be up to \$75/hr with allowance for program development and preparation time for the training. Travel expenses for the attorneys to attend training or instructors for training programs will be reimbursed at current State of Michigan travel rates for mileage, meals, and lodging, if needed.

Standard 2 - Attorney time to meet this standard will be reimbursed according to reasonable local attorney rates, whether salaried, contract, or assigned attorneys. To facilitate early communication, practical use of technologies available for digital face-to-face communication may be employed. Supplies and equipment needed for technology-based communications will be considered. If it is necessary to create or alter building space to provide a confidential setting for attorneys and their clients, renovation expenses are allowed up to a maximum of \$25,000 per location. Requests exceeding \$25,000 will be reviewed with higher due diligence and considered with accompanying documentation for justification.

Standard 3 - Expenses for investigators will be considered at hourly rates not to exceed \$75. Expenses for expert witnesses will follow a tiered level of compensation based on education level and type of expert,* not to exceed these amounts:

High School or Equivalent	\$30/hr
Associate's Degree	\$50/hr
Bachelor's Degree	\$70/hr
Master's Degree	\$85/hr
Crime Scene and Related Experts	\$100/hr
CPA/Financial Expert	\$100/hr
Pharmacy/PharmD	\$125/hr
Information Technology Experts	\$150/hr
Ph.D./Licensed Doctor	\$200/hr

**The table of expert hourly rates is adopted from the guidelines published by the North Carolina Indigent Defense Services Commission. Variations will be considered on a case-by-case basis.*

Each indigent defense system will be limited to a capped amount of funds for investigators and experts based on the total new circuit adult criminal filings within the jurisdiction in the most recent calendar

year, as reported and certified with the State Court Administrative Office. Systems within district courts of the 3rd class are considered in Tier I unless special circumstances are presented.

0 - 499 cases/year = Tier I - \$10,000

500 - 999 cases/year = Tier II - \$25,000

1,000 – 9,999 cases/year = Tier III - \$50,000

Over 10,000 cases/year = Tier IV – To be determined bases on further discussion and review of records of the system(s)

Standard 4 - Attorney time to meet this standard should be reimbursed according to reasonable attorney rates, whether salaried, contract, or assigned attorneys. Methods for implementation can include on-call or appointed attorney systems, or other efficient models.

APPLICANT INFORMATION

Applicant Funding Unit(s): **County of Ottawa**

Trial Courts Included in this Compliance Plan Submission: **58th District Court & 20th Circuit Court**

Fiduciary Funding Unit: **County of Ottawa**

Federal ID Number: **38-6004883**

Street Address/City/Zip Code: **12220 Fillmore Street, West Olive, MI 49460**

AUTHORIZED OFFICIAL (Person Authorized to Enter into Agreements):

Name and Title: **Alan G. Vanderberg, County Administrator**

Street Address/City/Zip: **12220 Fillmore Street, West Olive, MI 49460**

Telephone: **616.738.4068**

Email Address: avanderberg@miottawa.org

Signature



Date

May 16, 2018

CONTACT INFORMATION

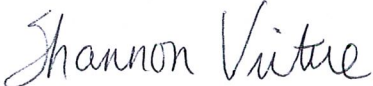
PRIMARY CONTACT

(Person Responsible for Oversight and Reporting of Standards Implementation):

Name and Title: **Shannon Virtue, Assistant Director of Planning and Performance Improvement**

Street Address/City/Zip: **12220 Fillmore Street, West Olive, MI 49460**

Telephone: **616.738.4852** Email Address: **svirtue@miottawa.org**

Signature 

Date *5/16/18*

FINANCIAL CONTACT

(Person Responsible for Grant Accounting):

Name and Title: **Karen Karasinski, Fiscal Services Director**

Street Address/City/Zip: **12220 Fillmore Street, West Olive, MI 49460**

Telephone: **616.738.4849** Email Address: kkarasinski@miottawa.org

Signature 

Date *5-16-18*

COMPLIANCE PLAN NARRATIVE

Briefly describe the indigent defense delivery system(s) – contract, assigned counsel, or public defender – that the funding unit(s), for which this application is being considered, employed to deliver services before the MIDC Act took effect (July 1, 2013).

For many years, the Ottawa County Judiciary has consistently provided indigent defendants with timely and high quality legal representation. Previously, an informal system ensured experienced criminal attorneys were available, were provided essential litigation support, had adequate office space to meet with clients, were periodically evaluated, and more. In short, the fundamental right of legal counsel provided free of charge to criminal defendants unable to afford their own attorney has been provided in Ottawa County.

In response to the 2003 adoption of Michigan Court Rule 8.123 and directives from the State Court Administrative Office, the Ottawa County Judiciary (20th Circuit, 58th District, and Ottawa County Probate Courts) adopted a “Plan for Appointment of Counsel for Indigent Parties” embodied in a Local Administrative Order that became effective January 1, 2004 and was revised as a “Public Defender Plan” effective December 15, 2015. This Plan, which is still being used daily to ensure proper representation, thoroughly describes attorney selection criteria, minimum standards and qualifications, an annual performance evaluation process, the appointment process, and methods of compensation.

Although the current system of providing criminal defendants with experienced defense counsel continues to be effective, the Courts are submitting the following compliance plan considering the passage of the “Michigan Indigent Defense Commission Act” (93 Public Act 2013) and approval of the first four minimum Standards for indigent defense in the State of Michigan.

Upon the passage of the Michigan Indigent Defense Commission Act in 2013, an Ottawa County Indigent Defense Committee consisting of the Chief Judges and Court Administrators was established to review the relevant issues and report available options to the judges. Subsequently, when the first four MIDC Standards were approved, the Indigent Defense Committee was expanded to include representation from the Courts’ funding unit. This expanded Committee began meeting in June 2017 to review the Michigan Indigent Defense Commission approved Standards and to develop a compliance plan. To accomplish this task, the Committee met on June 30, July 26, August 25, September 29 and October 25, 2017. Committee members agreed on a review process, discussed a variety of program design options, and interviewed select stakeholders.

Based on the Committee process described above, it is the intention of Ottawa County to submit this Compliance Plan for the development of a new Ottawa County Public Defender Office with the understanding an ongoing state appropriation is required prior to implementation. If sufficient state funds are not appropriated for MIDC standards compliance, Ottawa County will continue providing court appointed counsel under the currently SCAO approved Public Defender Plan.
http://www.miottawa.org/Courts/20thCircuit/pdf/lao/LAO_Public_Defender_Plan.pdf

Generally, how does the system(s) intend to comply with the MIDC standards 1-4? Please address whether you will continue with the model in place above, whether you have already made a transition to a new delivery system, or whether you intend to transition to a new delivery system.

The current Public Defender Plan described above will continue in place until the state appropriates and grants sufficient funding to Ottawa County to cover all compliance costs in excess of the baseline “local share” (\$923,087). When full funding is available, it is the intention of Ottawa County to create a new delivery system in the form of a County department level Public Defender Office.

Standard 1 – Since continuing legal education (CLE) is currently the responsibility of each licensed attorney, pursuant to MRPC 1.1 Competence, Ottawa County will provide a mechanism to track compliance with the 12-hour CLE standard through the annual online application process, but will only cover the new costs of training when adequate state funding is provided.

Standard 2 – Initial interviews are handled on a timely basis because newly appointed counsel is immediately notified of appointment and provided with client contact information. Court appointed counsel is also required to have appropriate office space to meet with clients and if necessary attorney/client conference space is available at each court location, as well as the Ottawa County Jail.

Standard 3 – Currently, all court appointed counsel request funding for experts and investigators on an “as needed” basis from the assigned judge. Such requests are routinely granted and funded. When state support is provided for a new Public Defender Office, funding for these expenses will be provided directly through the Public Defender Office budget.

Standard 4 – The 58th District and 20th Circuit Courts currently comply with Standard 4 by making timely determinations of eligibility for court appointed counsel and providing counsel as soon as the defendant’s liberty is subject to restriction by a magistrate or judge.

Please identify the name and position held (e.g., county administrator, judge, defense attorney, etc.) for each person involved in the compliance planning process for this delivery system.

**Honorable Jon A. Van Allsburg
Chief Judge, 20th Circuit Court**

**Honorable Bradley S. Knoll
Chief Judge, 58th District Court**

**Kevin J. Bowling, JD
Court Administrator, 20th Circuit and Probate Courts**

**Lori J. Catalino, JD
Court Administrator, 58th District Court**

Alan Vanderberg
County Administrator, Ottawa County

Paul Sachs
Director, Planning and Performance Improvement

Shannon Virtue
Assistant Director, Planning and Performance Improvement

Jennell Challa, JD
Friend of the Court, 20th Circuit Court

Rebecca Rowden
Trial Division Director, 20th Circuit Court

Sheri Lankheet, JD
Director, Legal Self-Help Center

Kristie Keltie
Administrative Assistant, Legal Self-Help Center

Andrea Reenders
Administrative Assistant, 20th Circuit Court

JoAnn Arcand
WebTecs, Inc.

Provide an attachment with the names, license or P#'s, and years of criminal defense experience for all attorneys the funding units(s) intends to have deliver services as part of the local indigent defense system.

The Ottawa County roster attorneys listed below are approved by the Courts to provide court appointed counsel services from October 1, 2017 – September 30, 2018. All roster attorneys are annually evaluated and may be approved for continuing service or removed from the roster. If state funding is approved for implementation of this Compliance Plan, it is assumed several roster attorneys may express interest in employment with the new Public Defender Office or may continue to serve as roster attorneys in conflict cases.

20th Circuit and 58th District Court – Ottawa County
Court-Appointed Counsel for Criminal Cases
Compensation Rates, Effective October 1, 2017

	Attorney	P-No.	Rate	Yrs. Of Exper.
Level 1	1. Robert Zitta ^{1,3}	P22749	\$85.00	46
	2. William Hankins, Jr.	P28782	\$85.00	32
	3. Philip R. Sielski ^{1,3}	P30314	\$85.00	38
	4. John Moritz ^{1,3}	P34859	\$85.00	33
	5. Jane Patterson ²	P37960	\$85.00	18
	6. Raymond A. Purdy ¹	P39933	\$85.00	31
	7. Craig Jenison	P40224	\$85.00	30
	8. Robert Hamilton ¹	P42089	\$85.00	27
	9. Brian McNulty	P42394	\$85.00	17
	10. Christi L. Burda ^{1,3}	P43149	\$85.00	29
	11. Thomas Smith ¹	P44764	\$85.00	22
	12. Ken Uildriks ¹	P49381	\$85.00	23
	13. Kim Kotowski	P49643	\$85.00	23
	14. Michael Zitta	P62221	\$85.00	16
	15. Jennifer Kuiper-Weise	P66162	\$85.00	14
	16. Kevin Branson	P69549	\$85.00	4.5
	17. Kara Sova	P70598	\$85.00	10
	18. James Marek	P71554	\$85.00	10
	19. Horia Neagos	P73550	\$85.00	7
	20. Abraham Gonzales	P75058	\$85.00	6
	21. Anna White	P76154	\$85.00	5
Level 2	22. Jonathan Baker	P54707	\$70.00	18
	23. Robert Dixon	P72504	\$70.00	8
	24. Nohemi Jimenez (Bi-Lingual – Spanish/English)	P76093	\$70.00	5
	25. William Bereza	P77550	\$70.00	4
	26. Marissa Barkema	P77910	\$70.00	4
	27. Carly McNeil	P78559	\$70.00	3
	28. Christina Mayfield	P80118	\$70.00	2.5

1. Authorized for Capital Cases (FC cases). All Level 1 Attorneys (> than 5 years' experience) are authorized for both felony (FH cases) and misdemeanor cases. Level 2 Attorneys (< than 5 years' experience) are authorized for misdemeanor cases only.
2. Limited appointments, as needed.
3. Provide counsel on rotation for felony non-support cases.

Date: November 2, 2017

Standard 1 – Training and Education

Attorneys with fewer than two years of experience practicing criminal defense in Michigan shall participate in one basic skills acquisition class. Do any of the attorneys included in this plan have fewer than the required experience and require this training? How many?

All current roster attorneys have more than two years' experience and are not required to complete the basic skills acquisition class.

All attorneys shall annually complete at least 12 hours of continuing legal education. How many attorneys require training in this plan?

Once implementation funding is provided by the state and the new public defender office is established, the Public Defender or the County Human Resources Department will be able to track CLE as a condition of employment; the proposed compliance plan includes 15.7 FTE in the various attorney classifications. Until then, the current 28 roster attorneys will self-report CLE they have completed.

How will the funding unit(s) ensure that the attorneys satisfy the 12 hours of continuing legal education during the plan year?

Current roster attorneys will self-report CLE completion. Following the establishment of a public defender office, CLE alternatives will be provided with sustainable legislative appropriations through the public defender office budget and will be tracked as a condition of employment.

Standard 2 – Initial Interview

When a client is in local custody, counsel shall conduct an initial client intake interview within three business days after appointment. When a client is not in custody, counsel shall promptly deliver an introductory communication so that the client may follow-up and schedule a meeting. To be successful, this requires immediate notification of appointment and client contact information.

How does the plan facilitate immediate attorney assignment and notification of new cases? How will the system ensure attorneys are completing their interviews within three business days? How will the initial interview be accomplished?

The 58th District Court establishes eligibility and appoints counsel at arraignment. The defendant is immediately provided the attorney's business card with necessary contact information and the Court emails and calls appointed counsel to advise them of the appointment and scheduled court dates. To ensure interview completion within three business days, current roster attorneys note all client contacts on their monthly billing statements and once a public defender office is established it is assumed the office case management system will track client contacts and provide management reports as necessary. To accomplish the initial interview, court appointed counsel will meet with clients at the Ottawa County Jail or Holland Police Department (if in custody). Otherwise, counsel will contact the client and make arrangements to meet at their office or the courthouse.

This standard further requires a confidential setting be provided for all client interviews. Does the jail have confidential space for attorney-client interviews? Describe the space available for the interviews or the plan to provide confidential space.

The Ottawa County Jail has several attorney client conference rooms in Region I of the facility. These confidential spaces include five non-contact interview rooms, three full contact interview rooms and two video conference rooms.

Does the courthouse have confidential space for attorney-client interviews? Describe the space available for the interviews or the plan to provide confidential space.

Each of the 58th District and 20th Circuit courtrooms in Grand Haven, Holland and Hudsonville were designed to include two confidential attorney-client interview rooms. The rooms are equipped with a meeting table and chairs; each building is also equipped with wireless internet so attorneys may electronically access case files and maintain contact with their offices. In the event a defendant is in custody, the courthouse holding cells also provide a confidential space for attorney-client discussions.

Standard 3 – Experts and Investigators

This standard requires counsel to conduct an independent investigation. When appropriate, counsel shall request funds to retain an investigator to assist with the client’s defense. Counsel shall request the assistance of experts where it is reasonably necessary to prepare the defense and rebut the prosecution’s case. Counsel has a continuing duty to evaluate a case for appropriate defense investigations or expert assistance.

How will this standard be complied with by the delivery system?

The new delivery system will include a fully operational Public Defender Office with sufficient resources budgeted to allow for expert witnesses and investigators as needed. Until state funding is provided, the Ottawa County judges will continue to entertain motions for extraordinary expenses from court appointed counsel and approve payment as necessary. For the current fiscal year, the 58th District and 20th Circuit Courts have each budgeted \$20,000 to cover this anticipated expense.

Standard 4 – Counsel At First Appearance and Other Critical Stages of the Case

Counsel shall be appointed to provide assistance to the defendant as soon as the defendant’s liberty is subject to restriction by a magistrate or judge. All persons determined to be eligible for indigent criminal defense services shall also have appointed counsel at pre-trial proceedings, during plea negotiations and at other critical stages, whether in court or out of court.

How will this standard be complied with by the delivery system?

As noted above under Standard 2, the 58th District Court is currently making the eligibility determination at arraignment and immediately appointing counsel when necessary. It is anticipated that the new public defender system will have sufficient attorney resources to assign to each court location and the jail, so defendants will have quick access to counsel at arraignment as required by Standard 4.

COST ANALYSIS

The MIDC Act requires funding unit(s) to provide a cost analysis as part of a request for state funding. The cost analysis should include all total indigent criminal defense services costs for compliance with minimum standards and the amount of funds in excess of the local share necessary to comply with the standards.

Refer to the instructions guide for grant allowances.

Personnel

Include staff, if any, whose work is or will be reasonably and directly related to the indigent defense function.

Name	Position	Computation	Annual Cost
TBD	Public Defender (U14)	\$173,055 x 1 FTE See Appendix A5 (includes Salary and Fringe Benefits based on current Ottawa County classification system)	\$173,055
	First Assistant PD (U10A)	\$160,440 x 2 FTE	\$320,880
	Assistant PD III (U11A)	\$145,387 x 3 FTE	\$436,161
	Assistant PD II (U09)	\$117,434 x 3 FTE	\$352,302
	Assistant PD I (U07)	\$101,425 x 6.7 FTE	\$679,548
	Office Coordinator (U06)	\$94,455 x 1 FTE	\$94,455
	Legal Secretary (T09)	\$67,207 x 3 FTE	\$201,621
Annual Total		19.7 FTE	\$2,258,022

Describe the duties of the positions listed (whether full-time or part-time) the number of hours worked, and rate of pay. Identify whether the positions will be a new cost as a result of the compliance plan.

See Appendices A4 and A5 for position details and structure of new Public Defender Office. These will be new positions required to implement the Compliance Plan. The salary and fringe benefits are annual, recurring costs.

Fringe Benefits	Percentage	Total
Employer FICA	See Chart below for a more detailed Fringe Benefit analysis	
Retirement		
Hospital Insurance		
Dental Insurance		
Vision Insurance		
Unemployment		
Worker's Compensation		
Life Insurance		
Other		
Other		
TOTAL		

Public Defender Office Salary and Fringe Benefits							
	Position						
	Public Defender	First Assistant Public Defender	Assistant Public Defender III	Assistant Public Defender II	Assistant Public Defender I	Office Coordinator	Legal Secretary
Wages (Annual)	119,111	109,161	97,288	75,241	62,614	57,117	35,626
Fringe Benefits							
FICA	7,385	6,768	6,032	4,665	3,882	3,541	2,209
Medicare	1,727	1,583	1,411	1,091	908	828	517
Health	18,156	18,156	18,156	18,156	18,156	18,156	18,156
Dental	911	911	911	911	911	911	911
Vision	98	98	98	98	98	98	98
Health Adm	572	572	572	572	572	572	572

Life	354	324	289	223	186	170	106
Work Comp	28	25	22	17	14	13	8
FUTA	953	873	778	602	501	457	285
LTD	271	249	222	171	143	130	81
MATCH	1,000	1,000	1,000	1,000	1,000	1,000	1,000
MERS	7,147	6,550	5,837	4,514	3,757	3,427	2,138
MERS XTRA	14,043	12,870	11,470	8,871	7,382	6,734	4,200
HSA EMR	1,300	1,300	1,300	1,300	1,300	1,300	1,300
Annual Fringe Benefits	53,945	51,279	48,099	42,193	38,810	37,338	31,581
ANNUAL COST PER FTE	173,055	160,440	145,387	117,434	101,425	94,455	67,207
Number of FTE	1.00	2.00	3.00	3.00	6.70	1.00	3.00
ANNUAL COST	173,055	320,880	436,161	352,302	679,548	94,455	201,621
Source: Ottawa County Human Resources							

Describe the fringe benefits listed here with the positions above.

The salary and fringe benefit computations provided above are actual projections for FY 2019 based on position classifications prepared by the Ottawa County Human Resources Department. Hourly rates may be obtained by dividing the Wage amount by 2080 (hours per year).

Contractual

For assigned counsel, you may group all attorney contracts in one line item. You may list the computation as “various” to indicate various rates of pay and provide detail below for the pay structure. List contractors for training programs. Also, list contractors who will be providing construction services for confidential space, if needed. Confidential space costs should be discussed in detail below but costs cannot exceed \$25,000 per location. Requests exceeding \$25,000 will be reviewed with higher due diligence and considered with accompanying documentation for justification. List contracts for investigators and experts here.

CONTRACTOR	COMPUTATION	SERVICES TO BE PROVIDED	COST
Interpreters (annual cost)	See Appendices A5 and A12	Interpretation for defendants with limited English proficiency	\$25,000
Experts and Investigators (annual cost)	See Appendix A5	Compliance with Standard 3	\$40,000
Office Renovations (one-time cost)	See Appendix A5 and A13-A17	Renovation of Ottawa County CMH building in Grand Haven and the DHHS lower-level building in Holland for new Public Defender Office.	\$74,462
Security Cameras (one-time cost)	See Appendix A5	Installation of security system for Public Defender Office by County Facilities Department	\$2,000
Appointed Conflict Attorneys (annual cost)	See Appendices A5 and A18	Legal representation in conflict cases	\$43,621
ANNUAL COST TOTAL			\$108,621
ONE-TIME COST TOTAL			\$76,462

Provide detail for the types of contractors listed above, rates and hours, and services to be provided. Identify if the contractor will be a new cost or includes cost enhancements for implementation of the compliance plan.

Travel and Training

Include registrations for continuing legal education hours and training. Travel expenses should adhere to local funding unit travel policies, not to exceed State of Michigan standardized travel rates.

TYPES OF TRAVEL/TRAINING	COMPUTATION	ANNUAL COST
Training/Conferences for Public Defenders	See Appendix A5	\$19,156
Training/Conferences for Conflict Attorneys	See Appendix A5	\$5,750
ANNUAL COST TOTAL		\$24,906

Provide detail for the types of travel and training expenses with applicable rates. Identify whether the expense is new as a result of the compliance plan.

Supplies and Other

Include all other expenses not provided elsewhere in the cost analysis.

ITEM	COMPUTATION	ANNUAL COST	ONE-TIME COST
Office Supplies	See Appendix A5	\$23,640	\$0
Printing & Binding	See Appendix A5	\$3,270	\$0
Postage	See Appendix A5	\$23,640	\$0
Memberships & Dues	See Appendix A5	\$8,918	\$0
Mileage	See Appendix A5	\$7,850	\$0
Administrative Services & IT	See Appendix A5-A7	\$205,389	\$0
Direct Building Expenses	See Appendix A5 and A8	\$35,706	\$0
Insurance	See Appendix A5	\$16,000	\$0
Computer Hardware	See Appendix A5 and A9	\$0	\$46,336
Telephones & Networking	See Appendix A5 and A10-A11	\$13,711	\$14,836
	TOTAL	\$338,124	\$61,172

Provide details for supplies and other expenses. Identify whether the expense is new as a result of the compliance plan.

Total Cost Analysis (sum of all expenditure sections) \$ 2,867,306

Annual Cost Total (sum of all expenditure sections) \$ 2,729,672

One-Time Cost Total (sum of all expenditure sections) \$ 137,634

The MIDC Act, MCL 780.993(2), allows for an indigent defense system to request reimbursement as part of the total grant for the cost of developing the compliance plan. If submitting a claim for this expense,

provide an explanation and calculation with details of all plan development costs. Attach a separate document with the compliance plan submission if needed.

<u>GRANT CALCULATION</u>	
TOTAL COST ANALYSIS	\$2,867,306
ANNUAL COST ANALYSIS	\$2,729,672
ONE-TIME COST ANALYSIS	\$137,634
COMPLIANCE PLANNING COSTS	+ \$10,518
LOCAL SHARE	- \$923,087
COMPLIANCE PLAN GRANT REQUEST	\$1,954,737
ANNUAL COMPLIANCE PLAN GRANT REQUEST	\$1,806,585
ONE-TIME COMPLIANCE PLAN GRANT REQUEST	\$148,152

The Local Share is defined as an indigent criminal defense system’s average annual direct expenditures for adult criminal defense services for three fiscal years preceding the creation of the MIDC Act (effective July 1, 2013). Collections or reimbursements made to the system for partially indigent defendants are applied to the calculation.

Expenditures to be included in the calculation:

- Payments to criminal defense attorneys (contracts, public defenders, appointed systems, hybrid systems) for providing indigent adult criminal defense services including services for expedited docket programs, criminal contempt, juveniles waived into adult court, appeals from district to circuit court or eligible interlocutory appeals to the Court of Appeals
- Payments to experts and investigators
- Other expenses including attorney supplies, travel, or training

Services not included as expenditures:

- Post-sentencing appeals
- Probate, Juvenile Delinquency, Abuse and Neglect cases
- Civil Contempt
- Counsel at lineup (before charges are filed)

Reimbursements:

- Fees paid by or on behalf of a defendant for indigent criminal defense services including payments by the Michigan Department of Corrections and grant payments that include indigent defense services as eligible grant expenditures (i.e. expedited docket programs)

If the actual expenses and reimbursements cannot be calculated as exact, identify that you are providing estimates and discuss the methodology for determining the estimated local share.

FISCAL YEAR	TOTAL EXPENSES	REIMBURSEMENTS	NET EXPENSES
2010	\$1,415,511	\$485,703	\$929,808
2011	\$1,344,968	\$486,017	\$858,951
2012	\$1,445,867	\$465,365	\$980,502
Average of Three Fiscal Years	\$1,402,115	\$479,028	\$923,087

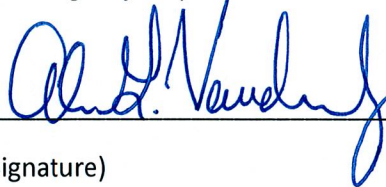
Certification: I certify to the best of my knowledge and belief that the calculation of the local share is correct and complete and that all fiscal details included are direct indigent defense system expenditures and reimbursements in the given fiscal years.

Authorizing Official Name

Alan G. Vanderberg

(Printed)

Title: **County Administrator**



(Signature)

Date: **May 16, 2018**

Data Collection

In the future, the MIDC expects to collect data on the following topics related to the first four standards. Data points include “system-wide data” (pertaining to each indigent defense system), “attorney-level data” (pertaining to each attorney) and “case-level data” (pertaining to each individual court case). This list is not exhaustive but offers guidance on the types of data that will be critical to demonstrating standards compliance.

System-Wide Data Points

- Local requirements for training
- Existence of local training options
- Structure of any local administrative bodies responsible for identifying training needs and implementing training
- Mechanism(s) and timeline for notifying attorneys of new appointments
- Existence of confidential space for attorney-client interviews in holding facilities and courthouses
- Mechanism(s) by which attorneys request investigators or expert witnesses
- Delivery models for provision of counsel at first appearance

Attorney-Level Data Points

- P numbers and contact information
- Total number of annual completed CLE credits
- Location, date and content of all completed training courses

Case-Level Data Points

- Defendant request for appointed counsel
- Court appointment of counsel and date
- Date of attorney notification of appointment
- Date of initial client interview
- Request for investigator, date granted or denied
- Request for expert witness, date granted or denied
- Presence of counsel at first appearance
- Mechanism by which counsel at first appearance was provided
- Type and amount of bail issued, if any

The MIDC Act, MCL 780.993 (9), requires the state to appropriate funds for the reasonable costs associated with data required to be collected by the MIDC in excess of the local government’s data costs for other purposes. Costs associated with data collection are not required to be submitted with this compliance plan submission but will be addressed at a future date and are remarked here for informational purposes.

Summary

Ottawa County Baseline Court Appointed Attorney Cost (i.e. "Local Share" that Ottawa County Must Maintain Per PA 93 of 2013)

Year	58th District Court			20th Circuit Court			Total Local Share
	Amount Paid to Court Appointed Attorneys ¹	Amount Reimbursed (Court Appointed Attorneys Fees)	Local Share	Amount Paid to Court Appointed Attorneys ¹	Amount Reimbursed (Court Appointed Attorneys Fees)	Local Share	
2010	\$900,436	\$274,786	\$625,650	\$515,075	\$210,917	\$304,158	\$929,808
2011	\$813,438	\$231,862	\$581,576	\$531,530	\$254,155	\$277,375	\$858,951
2012	\$913,535	\$224,107	\$689,428	\$532,332	\$241,258	\$291,074	\$980,502
Average							\$923,087

Source: 20th Circuit Court; 58th District Court; Fiscal Services; IT Department (AS400)

Ottawa County Cost Summary for Public Defender Office

Total Cost	+ \$2,867,306 ²
Annual Cost	+ \$2,729,672 ²
One-Time Cost	+ \$137,634 ²
Compliance Planning Costs	+ \$10,518 ³
Local Share (Ottawa Baseline Average from 2010-2012)	- \$923,087
State Share (Total Cost)	\$1,954,737
State Share (Annual Cost)	\$1,806,585
State Share (One-Time Cost)	\$148,152

Source: Human Resources; 20th Circuit Court; 58th District Court; Fiscal Services; IT Department (AS400)

¹ This includes the cost associated with experts and investigators.

² This is the new cost to hire staff for an entire Public Defender Office to provide indigent defense services. The Planning and Performance Improvement Department utilized national caseload recommended standards and historical indigent defense caseload data from Ottawa County to determine the number of FTEs that would need to be hired. The national recommended standards suggest that attorneys not exceed more than 150 felony cases per attorney per year or no more than 400 misdemeanor cases per attorney per year. Job descriptions were obtained from Muskegon County and Washtenaw County Public Defender Offices. Ottawa County Human Resources reviewed each job description to determine the classification for each position and the resulting salary and fringe benefits. Please see [Appendix A5](#) for detailed cost data regarding this option.

³ See [Appendix A19](#) for details.

Appendix A1

Ottawa County Historical Indigent Defense Caseload Statistics Adult Felony and Misdemeanor Criminal Cases with a Court Appointed Attorney

	2008	2009	2010	2011	2012	2013	2014	2015	2016	Average
Felony Criminal & Traffic Cases										
Felony Criminal & Traffic Cases	932	924	874	789	808	773	791	789	683	818
Felony Cases Not Bound Over to Circuit Court	307	333	310	371	352	281	312	334	339	327
Total Felony Criminal & Traffic Cases	1,239	1,257	1,184	1,160	1,160	1,054	1,103	1,123	1,022	1,145
Misdemeanor Criminal Cases										
Ordinance Misdemeanor Criminal (OM)	266	227	225	189	209	153	143	131	108	183
Statute Misdemeanor Criminal (SM)	1,233	1,327	1,326	1,150	1,314	1,165	1,228	1,148	1,197	1,232
Ordinance Misdemeanor Drunk Driving (OD)	112	114	83	52	72	81	46	41	45	72
Statute Misdemeanor Drunk Driving (SD)	311	274	294	237	246	237	177	209	203	243
Total Misdemeanor Criminal Cases	1,922	1,942	1,928	1,628	1,841	1,636	1,594	1,529	1,553	1,730
Misdemeanor Traffic Cases										
Ordinance Misdemeanor Traffic (OT)	128	106	173	161	189	170	132	127	111	144
Statute Misdemeanor Traffic (ST)	599	549	470	339	431	414	361	444	444	450
Total Misdemeanor Traffic Cases	727	655	643	500	620	584	493	571	555	594

Source: 20th Circuit Court; 58th District Court; IT Department (AS400)

Appendix A2

Ottawa County Historical Indigent Defense Caseload/Count Statistics

Total Counts: Adult Felony and Misdemeanor Criminal Cases with a Court Appointed Attorney

	2008	2009	2010	2011	2012	2013	2014	2015	2016	Average
Felony Criminal & Traffic Cases										
Felony Criminal & Traffic Cases	1,884	1,895	1,737	1,539	1,583	1,393	1,381	1,427	1,315	1,573
Felony Cases Not Bound Over to Circuit Court	887	962	898	986	893	731	816	845	855	875
Total Felony Criminal & Traffic Cases	2,771	2,857	2,635	2,525	2,476	2,124	2,197	2,272	2,170	2,447
Misdemeanor Criminal Cases										
Ordinance Misdemeanor Criminal (OM)	414	364	326	276	294	213	176	172	135	263
Statute Misdemeanor Criminal (SM)	2,340	2,464	2,447	2,118	2,406	2,037	2,197	1,968	1,946	2,214
Ordinance Misdemeanor Drunk Driving (OD)	222	239	168	125	153	180	87	80	97	150
Statute Misdemeanor Drunk Driving (SD)	645	578	594	548	607	567	440	458	427	540
Total Misdemeanor Criminal Cases	3,621	3,645	3,535	3,067	3,460	2,997	2,900	2,678	2,605	3,168
Misdemeanor Traffic Cases										
Ordinance Misdemeanor Traffic (OT)	161	136	216	222	255	230	188	178	143	192
Statute Misdemeanor Traffic (ST)	886	844	642	461	574	559	502	615	687	641
Total Misdemeanor Traffic Cases	1,047	980	858	683	829	789	690	793	830	833

Source: 20th Circuit Court; 58th District Court; IT Department (AS400)

Average Number of Counts Per Case: Adult Felony and Misdemeanor Criminal Cases with a Court Appointed Attorney

	2008	2009	2010	2011	2012	2013	2014	2015	2016	Average
Felony Criminal & Traffic Cases										
Felony Criminal & Traffic Cases	2.02	2.05	1.99	1.95	1.96	1.80	1.75	1.81	1.93	1.92
Felony Cases Not Bound Over to Circuit Court	2.89	2.89	2.90	2.66	2.54	2.60	2.62	2.53	2.52	2.68
Total Felony Criminal & Traffic Cases	2.24	2.27	2.23	2.18	2.13	2.02	1.99	2.02	2.12	2.13
Misdemeanor Criminal Cases										
Ordinance Misdemeanor Criminal (OM)	1.56	1.60	1.45	1.46	1.41	1.39	1.23	1.31	1.25	1.41
Statute Misdemeanor Criminal (SM)	1.90	1.86	1.85	1.84	1.83	1.75	1.79	1.71	1.63	1.79
Ordinance Misdemeanor Drunk Driving (OD)	1.98	2.10	2.02	2.40	2.13	2.22	1.89	1.95	2.16	2.09
Statute Misdemeanor Drunk Driving (SD)	2.07	2.11	2.02	2.31	2.47	2.39	2.49	2.19	2.10	2.24
Total Misdemeanor Criminal Cases	1.88	1.88	1.83	1.88	1.88	1.83	1.82	1.75	1.68	1.83
Misdemeanor Traffic Cases										
Ordinance Misdemeanor Traffic (OT)	1.26	1.28	1.25	1.38	1.35	1.35	1.42	1.40	1.29	1.33
Statute Misdemeanor Traffic (ST)	1.48	1.54	1.37	1.36	1.33	1.35	1.39	1.39	1.55	1.42
Total Misdemeanor Traffic Cases	1.44	1.50	1.33	1.37	1.34	1.35	1.40	1.39	1.50	1.40

Source: 20th Circuit Court; 58th District Court; IT Department (AS400)

Appendix A3

Number of Attorneys Needed for Public Defender Office

(Based on Historical Indigent Defense Caseload Statistics and National Caseload Recommended Standards)

	Number of Cases with an Appointed Attorney (Average)	Maximum Cases Per Attorney Per Year (Recommended Standard)	Number of Attorney FTE Needed (Recommended Standard)
Felony Criminal & Traffic Cases	1,145	150	7.63
Misdemeanor Criminal & Traffic Cases	2,324	400	5.81
Total	3,469	n/a	13.44

Source: 20th Circuit Court; 58th District Court; IT Department (AS400); NLADA Standard 13.12 Workload of Public Defenders

Appendix A4

Estimated Number of Staff Positions Needed for the Public Defender Office

Ottawa County Public Defender Office					Number of FTE by Public Defender Office		Muskegon County Public Defender Office (Required Experience)	Washtenaw County Public Defender Office (Required Experience)	Ottawa County Prosecutor's Office (Comparable Position & Required Experience)
Staff Position ¹	Classification ²	Required Experience ³	Rationale for Estimated Number of FTE Needed	FTE Needed	Muskegon County	Washtenaw County			
Public Defender	U14	Juris Doctor Degree, Admittance to State Bar, 10 years experience	<ul style="list-style-type: none"> This position is the Department Head This position handles complex, sensitive, or high priority cases as well as a 25% caseload 	1.0	1.0	1.0	Juris Doctor Degree, Admittance to State Bar, 7 years experience	Juris Doctor Degree, Admittance to State Bar, 5 years experience	No Position
First Assistant Public Defender	U10A ⁴	Law Degree & 10 years experience	<ul style="list-style-type: none"> These are middle-management positions These positions handle a 75% caseload These positions also assist with research and oversight of continuing education 	2.0	0.0	2.0	No Position	Law Degree & 3-5 years related experience	<i>Senior Attorney/ Division Chief</i> Law Degree & 10 years experience
Assistant Public Defender III	U11A ⁴	Law Degree & 6 years experience	<ul style="list-style-type: none"> These positions handle a full caseload 7.63 FTE attorney needed to handle felony cases. These positions are split between the Public Defender, First Assistant Public Defender, Assistant Public Defender III and Assistant Public Defender II 	3.0	2.0	n/a at this time ⁵	Law Degree & 10 years experience	Law Degree & 6+ years experience	<i>Chief Assistant Prosecuting Attorney</i> Law Degree & 6 years experience
Assistant Public Defender II	U09	Law Degree & 2-5 years experience	<ul style="list-style-type: none"> These positions handle a full caseload 7.63 FTE attorney needed to handle felony cases. These positions are split between the Public Defender, First Assistant Public Defender, Assistant Public Defender III and Assistant Public Defender II 	3.0	2.0	n/a at this time ⁵	Law Degree & 7 years experience	Law Degree & 2-5 years experience	No Position
Assistant Public Defender I	U07	Law Degree & no prior experience	<ul style="list-style-type: none"> These positions handle a full caseload 5.81 FTE attorney needed to handle misdemeanor cases 1.0 FTE attorney needed to handle arraignment cases; there is some time available (0.3 FTE) to cover this position with the other attorney staff positions in the office 	6.7	8.0	n/a at this time ⁵	Law Degree & 2 years experience	Law Degree & 0-2 years experience	<i>Assistant Prosecuting Attorney I</i> Law Degree & no prior experience
Volunteer Attorneys, Law Students, and Investigators	n/a	n/a	<ul style="list-style-type: none"> The federal caseload standards were utilized to allocate paid FTEs 	0.0	n/a at this time ⁶	38.0 - 48.0	n/a	n/a	n/a
Office Coordinator	U06	Bachelor's Degree & 2 years experience with legal processes	<ul style="list-style-type: none"> This position is responsible for supervising all non-attorney staff in the office 	1.0	1.0	0.0	Associate's Degree & 2 years experience with legal firm/court	No Position	<i>Office Administrator</i> Bachelor's Degree & 2 years experience with legal processes
Legal Secretary	T09	High school graduate & 2 years experience in criminal justice or legal	<ul style="list-style-type: none"> Ottawa County Prosecutor's Office has 7.0 FTE Legal Assistant I, II, III positions (adult criminal). Their 2013 caseload was 7,391 cases or 1,056 cases per Legal Assistant Using Ottawa County's court appointed attorney caseload statistics and the Prosecutor's Office caseload per Legal Assistant, the number of FTE needed is 3.29 	3.0	2.0	0.0	High school graduate & 4 years secretarial experience	No Position	<i>Legal Assistant II</i> High school graduate & 2 years experience in criminal justice or legal
Total Paid Staff				19.70	16.0	15.0			
Total Volunteer Attorneys, Law Students, and Investigators				0.0	n/a⁶	38.0 - 48.0			
Grand Total				19.70	16.0⁷	53.0 - 63.0			

Ottawa County Prosecutor's Office Adult Criminal Caseload Statistics Per Attorney

Adult Criminal Cases (2013)	Prosecuting Attorney FTEs ⁸	Cases Per FTE
7,391	9.00	821.22

Source: Human Resources; Muskegon County Public Defender Office; Washtenaw County Public Defender Office; Ottawa County Prosecutor's Office

¹ These are staff positions that exist within the Muskegon and Washtenaw County Public Defender Offices

² The classification for each position was determined by the Ottawa County Human Resources Department. It was based on a review of job descriptions from Muskegon and Washtenaw County Public Defender Offices as well as a comparison to similar positions in the Ottawa County Prosecutor's Office

³ Based on a review of job descriptions from Muskegon and Washtenaw County Public Defender Offices as well as a review of job descriptions for comparable positions that exist in the Ottawa County Prosecutor's Office

⁴ Salary usually increases with classification. However, the U10A classification has a higher salary range than the U11A classification. Ottawa County Human Resources is unsure for the reasoning behind U10A having a higher salary range than U11A

⁵ Washtenaw County Public Defender Office has a total of 12.0 FTE in the Assistant Public Defender I, II, and III positions. The Planning and Performance Improvement Department was unable to obtain the break down in the number of FTE for each position

⁶ Muskegon County Public Defender Office utilizes interns to make jail visits, answer letters at the lawyers' direction, call family and friends of clients, and perform other duties that allow the lawyers to focus more time on the tasks that can only be completed by a lawyer

⁷ In order to meet the caseload per attorney standards as set forth in MIDC's Standard 6, the Muskegon County Public Defender Office would be required to hire 12 more attorneys to handle criminal cases

⁸ The Ottawa County Prosecutor's Office has 13.0 FTE attorneys on staff but they are not all assigned to handle adult criminal cases. The Prosecutor's Office estimates that 9.0 FTE attorneys on their staff handle adult felony and misdemeanor cases

Appendix A5

Public Defender Office

Reports to County Administrator					
Salary and Fringe Benefits	Classification	Salary and Fringe Benefits Per FTE ¹	Number of FTE	Annual Cost	One-Time Cost
Public Defender	U14	\$173,055	1.00	\$173,055	\$0
First Assistant Public Defender	U10A	\$160,440	2.00	\$320,880	\$0
Assistant Public Defender III	U11A	\$145,387	3.00	\$436,161	\$0
Assistant Public Defender II	U09	\$117,434	3.00	\$352,302	\$0
Assistant Public Defender I	U07	\$101,425	6.70	\$679,548	\$0
Office Coordinator	U06	\$94,455	1.00	\$94,455	\$0
Legal Secretary	T09	\$67,207	3.00	\$201,621	\$0
Salary and Fringe Benefits Subtotal			19.70	\$2,258,022	\$0
Office Expenses		Cost Per FTE ²	Number of FTE ³	Annual Cost	One-Time Cost
Office Supplies		\$1,200	19.70	\$23,640	\$0
Printing & Binding		\$166	19.70	\$3,270	\$0
Postage		\$1,200	19.70	\$23,640	\$0
Memberships & Dues ⁴		\$568	15.70	\$8,918	\$0
Mileage		\$500	15.70	\$7,850	\$0
Conferences ⁵		\$5,064	2.00	\$10,128	\$0
Training ⁶		\$575	15.70	\$9,028	\$0
Administrative Services & IT ⁷				\$205,389	\$0
Direct Building Expenses ⁸				\$35,706	\$0
Insurance ⁹				\$16,000	\$0
Computer Hardware ¹⁰				\$0	\$46,336
Telephones & Networking ¹¹				\$13,711	\$14,836
Office Expenses Subtotal				\$357,280	\$61,172
Contractual Expenses				Annual Cost	One-Time Cost
Interpreters ¹²				\$25,000	\$0
Experts and Investigators ¹³				\$40,000	\$0
Office Renovations ¹⁴				\$0	\$74,462
Security Cameras ¹⁵				\$0	\$2,000
Contractual Expenses Subtotal				\$65,000	\$76,462
Private Conflict Attorneys				Annual Cost	One-Time Cost
Private Conflict Attorney Cost ¹⁶				\$43,621	\$0
Training for Private Conflict Attorney Cost ¹⁷				\$5,750	\$0
Total Cost				\$2,729,672	\$137,634

Source: Human Resources; 20th Circuit Court; 58th District Court; Fiscal Services; IT Department; Facilities Maintenance Department

¹ The salary and fringe benefits reflect 2019 estimates. They were determined by Ottawa County Human Resources using 2017 rates and annual percent increases

² The Cost Per FTE was estimated by 20th Circuit Court using budgeted amounts for the Circuit Court Trial Division as a baseline since similar noticing requirements and office supplies would be required

³ Office Supplies, Printing & Binding, and Postage expenses are applicable to all Department staff. Memberships & Dues, Mileage, Conferences, and Training expenses are applicable to Department staff who are attorneys

⁴ The cost of Memberships & Dues is estimated for the following organizations: Michigan Bar Association; American Bar Association; Ottawa County Bar Association; Michigan State Appellate Defender Office; National Association for Public Defense; and the Criminal Defense Association of Michigan

⁵ The cost of Conferences is estimated for the NLADA Fall Conference and the NLADA/ABA Equal Justice Conference. Only two senior attorneys will attend each conference, and they will share materials with other attorneys following each conference

⁶ The cost of Trainings is estimated to include basic skills acquisition for entry level attorneys, 20 hours of in-house training provided by experienced public defenders, and an ICLE subscription to ensure all attorneys have access to updated resources and online training

⁷ This cost was prepared by MGT Consulting Group and Ottawa County Fiscal Services. See Appendix A6 and A7 for further detail

⁸ See Appendix A8 for further detail

⁹ This includes general liability insurance through Ottawa County's Insurance Authority. The estimate was provided by Fiscal Services based on 19.7 FTEs in the Public Defender's office. This cost is comparable to the Prosecuting Attorney's office.

¹⁰ Calculation is provided in the table in Appendix A9. Although computer hardware expenses are listed as one-time cost, Ottawa County utilizes a 4-6 year replacement schedule that varies based on the type of hardware.

¹¹ Calculation is provided in the table in Appendix A10 and A11

¹² Interpreter expenses are necessary to bring Ottawa County's defense delivery system into compliance with the Standard 3 as set forth and defined by the MID Commission. Since such expenses are in excess of Ottawa County's calculated and approved local share, it must be funded by the state pursuant to the MIDC Act. See Appendix A12 for further detail

¹³ The cost is estimated at \$20,000 per year for each Court (58th District Court and 20th Circuit Court) using budgeted amounts for 2018

¹⁴ See Appendix A13-A17 for further detail

¹⁵ Muskegon County Public Defender Office utilizes a security camera at the entrance of their office. This cost was estimated by the Ottawa County Facilities Maintenance Department. The total cost is \$1,000 per location for the camera and installation

¹⁶ The calculation is provided in Appendix A18.

¹⁷ Based on a roster of 10 conflict attorneys multiplied by the training expenses (\$575) per attorney

Appendix A6

Administrative Services & IT

	Prosecuting Attorney ¹	Prosecuting Attorney Victims Rights ¹	9-Month Cost ²	12-Month Calculated Cost ²
Administrator				
Administration ³	\$20,126	\$2,322	\$22,448	\$29,931
Fiscal Services				
Accounts Payable ³	\$8,853	\$1,021	\$9,874	\$13,165
General Ledger/Budget ³	\$19,068	\$2,200	\$21,268	\$28,357
Purchasing ³	\$3,908	\$451	\$4,359	\$5,812
County Treasurer				
Accounting General Fund ⁴	\$952	\$72	\$1,024	\$1,365
Corporate Counsel				
Corporate Counsel Services ³	\$5,708	\$659	\$6,367	\$8,489
Human Resources				
Personnel/Payroll Management ³	\$18,054	\$2,083	\$20,137	\$26,849
Physical/Advertising ⁵	\$337	\$168	\$505	\$673
<i>Administrative Services - Prosecuting Attorneys Office</i>				\$114,643
<i>Administrative Services Per FTE - Prosecuting Attorneys Office⁶</i>				\$3,953.20
Administrative Services Subtotal - Public Defender Office⁷				\$77,878
Innovation & Technology (IT)				
Technology and Infrastructure ³	\$21,676	\$2,501	\$24,177	\$32,236
Application and Data ³	\$31,032	\$3,581	\$34,613	\$46,151
Users Services ⁸	\$19,877	\$0	\$19,877	\$26,503
Imaging (OnBase) ⁹	\$27,454	\$0	\$27,454	\$36,605
MICA ³	\$23,147	\$2,671	\$25,818	\$34,424
<i>IT - Prosecuting Attorneys Office</i>				\$175,919
<i>IT Per FTE - Prosecuting Attorneys Office⁶</i>				\$6,066.16
IT Subtotal - Public Defender Office⁷				\$119,503
Facilities Administration				
CMH Building ¹⁰			\$3,956	\$5,275
DHHS Building ¹⁰			\$2,050	\$2,733
Total Cost				\$205,389

Source: MGT Consulting Group and Ottawa County Fiscal Services Department

¹ Actual expenses for the Prosecuting Attorney's office were utilized to determine the estimated cost for the Public Defenders Office.

² The Cost Allocation Plan that MGT Consulting Group prepared for Ottawa County was based on 9-months of data. This was because Ottawa County was switching Fiscal Years from a 1/1 start to a 10/1 start. As a result, the 9-month rate has been increased to 12-months to show annual data.

³ These expenses are allocated based on the number of FTE per department.

⁴ These expenses are allocated based on the number of general fund credit transactions per department.

⁵ These expenses are allocated based on the number of new hires per department.

⁶ Based on 29.0 FTE in the Prosecuting Attorney's office.

⁷ Calculated by multiplying the cost per Prosecuting Attorney FTE by 19.7 FTE in the Public Defenders office.

⁸ These expenses are allocated based on the number of devices per department.

⁹ These expenses reflect direct costs per department.

¹⁰ Based on actual expenses of each building and the square footage that will be utilized by the Public Defender Office.

Appendix A7

MIDC Compliance Plan Cost Allocation Language

The cost analysis for this compliance plan includes an estimate of the administrative costs associated with the requirements of MIDC Standards 1-4. These costs (administrative and IT) were prepared by MGT Consulting Group, the County's cost allocation consultant, and were based on the current and projected level of activity and funding by the MIDC and 2016 administrative costs, the most recently available audited costs. This cost allocation plan has been prepared in compliance with 2 CFR Part 200 Uniform Administrative Requirements Cost Principles, which requires that the costs be allocated uniformly across all departments and programs, including state and federal grants. While a portion of this activity (i.e., issuing checks to contracted attorneys) was previously included in another cost center (i.e., circuit or district courts), it was minimal because it was associated with contractors. The mandated creations of a separate program and special revenue fund for indigent defense requires that all activity for administration and implementation be identified as part of that program and considered in the cost allocation methodology. The indigent defense function also increases the cost considerably since a large portion of the cost is new and associated with full-time employees who will require office space, computer equipment and administrative support. Ottawa County's cost allocation plan includes depreciation, but this has been removed from the indigent defense function as requested.

The administrative and IT costs associated with the Ottawa County indigent defense delivery system include the County Administrator's Office, Fiscal Services, Purchasing, Facilities, the Treasurer's Office, and IT. Activity from these offices, which directly relate to the implementation of the MIDC standards with a State grant include, but are not limited, to the following:

- Contract review (legal)
- Accounting (cash disbursement preparation, including vouching, editing, account code review, and invoice entry into computer system)
- Banking (revenue and expense transaction tracking)
- Payroll (editing, balancing, withholdings processing, and master file maintenance)
- Budget control (monitoring to insure actual revenues and expenditures are within limits)
- Grant management
- Auditing
- Personnel services (employee hiring and benefit administration)
- Purchasing (bidding and vendor negotiations)
- Facilities administration
- IT (computer and server support, data processing, and software/application maintenance)

It should also be noted that the current activities of the District and Circuit Courts that will remain as activities of those staff are not included. Only the costs of central administrative departments which are

directly related to the indigent defense program and attributable to its implementation and administration via the cost allocation formula to the program are included.

As stated in the Compliance Plan, all costs are estimated, and annually reviewed and adjusted after audit. Any adjustments due to over- or under-estimation are accounted for in the subsequent year, so that only actual expenses are charged. In an effort to provide the MIDC a more accurate estimate, and to reflect the changes requested by the MIDC (e.g., accounting for the administrative services and IT expenses) Ottawa County submitted the cost analysis to its consultant and asked for a more detailed breakdown (attached). This detailed breakdown uses actual expenses for the Prosecuting Attorney's office and is an acceptable model that is used under the IVD grant to support the Prosecuting Attorney's office.

Appendix A8

Direct Building Expenses

	Total Square Footage of Building	Square Footage for Public Defender's Office	% of Building Used by Public Defender	FY 2018 - 6-Month Actual Cost¹	12-Month Calculated Cost	12-Month Calculated Cost for Public Defender²
CMH Building	9,763	3,657	37.5%	\$31,357	\$62,714	\$23,491
DHHS Building	40,549	2,310	5.7%	\$107,206	\$214,412	\$12,215
Total Cost						\$35,706

Source: Ottawa County Fiscal Services Department

¹ Includes cost for utilities, insurances, and maintenance.

² Calculated by multiplying the 12-month cost for the entire building by the percentage of that building's space that will be occupied by the Public Defenders Office.

Appendix A9

Computer Hardware

	Number of Units	Cost Per Unit (Annual)	Cost Per Unit (One-Time)	Annual Cost	One-Time Cost ¹
Computers ²	20	\$0	\$1,120	\$0	\$22,400
Monitors ³	20	\$0	\$400	\$0	\$8,000
Printers ⁴	2	\$0	\$820	\$0	\$1,640
OnBase Scanners ⁵	2	\$0	\$910	\$0	\$1,820
Digital Copier & Scanner ⁶	2	\$0	\$6,238	\$0	\$12,476
Total Cost				\$0	\$46,336

Source: Ottawa County IT Department

¹ Although computer hardware expenses are listed as one-time cost, Ottawa County has the following replacement schedule: computers, monitors, and printers replaced every 4 years; OnBase scanners replaced every 5 years; and digital copiers & scanners replaced every 6 years.

² This is the cost for laptop computers and docking stations. Each employee will have a unit.

³ This is the cost for a dual monitor setup for each workstation. Each employee will have a unit.

⁴ This is the cost for a large HP network high volume printer. Each Public Defender office location will have a unit.

⁵ This is the cost for a small desktop scanner for the OnBase system. Ottawa County's court system utilizes OnBase for digital case processing. Each Public Defender office location will have a unit.

⁶ This is the cost for a Toshiba e-studio 3505AC digital copier & scanner. Each Public Defender office location will have a unit.

Appendix A10

Telephone & Networking Expenses

	Number of Units	Cost Per Unit (Annual)	Cost Per Unit (One-Time)	Annual Cost	One-Time Cost
Hardware					
Cisco 8841 Phones ¹	12	\$0	\$301	\$0	\$3,612
Cisco IP Conference Phones ²	2	\$0	\$587	\$0	\$1,174
Cisco 24-port POE switch ³	2	\$0	\$4,311	\$0	\$8,622
Hardware Subtotal				\$0	\$13,408
Software					
Cisco 8841 Phone Licenses ⁴	12	\$50	\$102	\$600	\$1,224
Cisco IP Conference Phone Licenses ⁵	2	\$50	\$102	\$100	\$204
Cell Phone Stipend ⁶	3	\$600	\$0	\$1,800	\$0
Sophos (cell phones) ⁷	3	\$25	\$0	\$75	\$0
Software Subtotal				\$2,575	\$1,428
Network					
Network ⁸	24	n/a	n/a	\$11,136	\$0
Network Subtotal				\$11,136	\$0
Total Cost				\$13,711	\$14,836

Source: Ottawa County IT Department; Fiscal Services Department

¹ This is the cost to purchase and install office phones. Each office will have an office phone.

² This is the cost to purchase and install a conference room phone. Each Public Defender office location will have a conference room with a phone.

³ This is the cost to purchase and install the networking equipment that is required to operate telephones and computers. Each Public Defender office location will require this networking hardware.

⁴ This is the cost for office phone licenses. Each license has a one-time cost and then an annual maintenance cost after the first year. Each office will have an office phone.

⁵ This is the cost for conference room phone licenses. Each license has a one-time cost and then an annual maintenance cost after the first year. Each Public Defender office location will have a conference room phone.

⁶ The County provides a \$50 per month stipend to employees who utilize their personal cell phones for business purposes. Three (3) employees in the Public Defender's office will utilize this stipend; this was based on the percent of employees in the Prosecuting Attorney's office who utilize the stipend.

⁷ This is the cost for mobile device management software that stores County contacts, email, and calendar information in a secure folder on personal cell phones that are utilized for business purposes. Three (3) employees in the Public Defender's office will utilize personal cell phones for business purposes.

⁸ This cost was prepared by Ottawa County Fiscal Services Department. See Appendix A11 for further detail

Appendix A11

Phone Networks

	Total Phone Units	Units for Public Defender's Office	% of Units Used by Public Defender	FY 2018 - 7-Month Actual Cost ¹	12-Month Calculated Cost	12-Month Calculated Cost for Public Defender ²
CMH Building	238	12	5.0%	\$26,545	\$45,506	\$2,294
DHHS Building	343	12	3.5%	\$19,559	\$33,530	\$1,173
Overhead (County Phone Network)	1,164	24	2.1%	\$216,943	\$371,902	\$7,668
Total Cost						\$11,136

Source: Ottawa County Fiscal Services Department

¹ Includes cost for county personnel who maintain the county's phone and telecom network that operates all phones and computers in the County.

² Calculated by multiplying the 12-month cost by the percentage of units that will be used by the Public Defenders Office.

Appendix A12

Interpreter Expenses:

Pursuant to the MIDC Act, any local legal defense delivery system shall be reimbursed by the state if their compliance expenditures exceed the local share. Specifically, MCL 780.993 provides:

6) Except as provided in subsection (8), an indigent criminal defense system (or local legal defense system) shall maintain not less than its local share. *If the MIDC determines that funding in excess of the indigent criminal defense system's share is necessary in order to bring its system into compliance with the minimum standards established by the MIDC, that excess funding shall be paid by this state.* The legislature shall appropriate to the MIDC the additional funds necessary for a system to meet and maintain those minimum standards, which funds shall be provided to indigent criminal defense systems through grants as described in subsection (7).

(7) An indigent criminal defense system shall not be required to provide funds in excess of its local share. The MIDC shall provide grants to indigent criminal defense systems to assist in bringing the systems into compliance with minimum standards established by the MIDC.

Furthermore, MIDC Standard 3 (Investigators and Experts), requires that counsel conduct an independent investigation of the charges as promptly as practicable, request the assistance of experts where it is reasonably necessary to prepare the defense and rebut the prosecution's case. In these circumstances, reasonable requests must be funded and there is a continuing duty to evaluate a case for appropriate defense investigations or expert assistance. MIDC Commission's comments to Standard 3 states, *"Expected increased costs from an increase in investigations and expert use will be tackled in compliance plans."*

Given the large non-English speaking population in Ottawa County, it is critical that the Ottawa County Public Defender's Office have robust services available to successfully facilitate the attorney-client relationship between the public defense attorney and defendants. This necessarily includes access to interpreters. Moreover, providing the Ottawa County Public Defender's Office with their own budget to obtain an interpreter is a necessary component of making sure there is full communication and understanding between witnesses, investigators, defendants and the public defense attorneys. For example, a defense hired expert witness or investigator may need to employ the services of an interpreter to communicate with people necessary to complete a full investigation to provide an adequate defense. This is a very different issue from the access to courts requirement which would fall under the Court's financial responsibility as identified in case law, statute and court rules.

Therefore, since interpreter expenses are necessary in order to bring Ottawa County's defense delivery system into compliance with the Standard 3 as set forth and defined by the MIDC Commission and such expenses are in excess of Ottawa County's calculated and approved local share, it must be funded by the state pursuant to the MIDC Act.

Appendix A13

Office Renovations

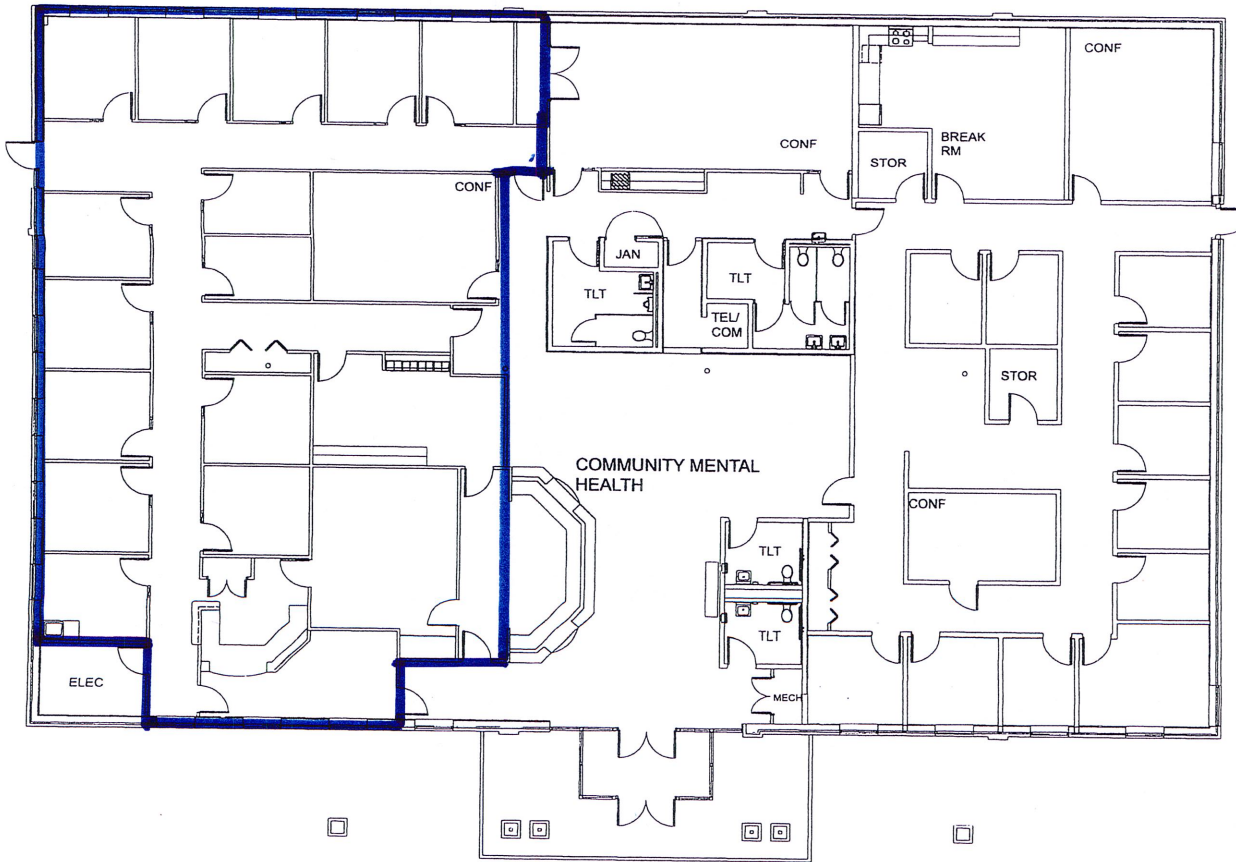
The Public Defender Office will be located in two office locations—the Community Mental Health (CMH) building in Grand Haven and the Department of Health and Human Services (DHHS) building in Holland. Two office locations were selected because Ottawa County’s indigent defense caseload is spread out between the courts located in the northern and southern halves of the county. The Prosecuting Attorney’s office operates with two office locations in order to effectively serve the courts that are located in Grand Haven, Holland, and Hudsonville.

Both Public Defender Office locations are outside of the courthouse buildings. Ottawa County has been informed that the indigent defense population that would be served by the Public Defender Office may feel more comfortable seeking legal services if they do not have to go through security at the courthouse.

Twenty (20) staff members, working an equivalent of 19.7 FTE hours, will require office space at the two office locations. Since the Public Defender Office has one Public Defender and one Office Coordinator, it is likely that these staff members will need to spend time at each location. As a result, each office location will require extra office space to accommodate the staff who may “float” between the two office locations. In addition, extra office space will be needed in each location to accommodate experts and investigators. Each office location will also include a conference room space that can be utilized for meetings. Ottawa County’s proposal is to have 14 offices at the CMH building and 11 offices at the DHHS building to accommodate the Public Defender Office staff members, “floating” staff members, as well as experts and investigators. Please refer to Appendix A14 and Appendix A15 for the building footprints of each office location. The building area outlined in blue is the proposed location of the Public Defender Office.

The offices in each location are constructed. However, the DHHS building will require office furniture (work surfaces, drawers, cabinets, shelves, and chairs) in each office. In addition, the County is submitting for cost to upgrade the CMH building’s office furniture which is currently very old. A quote from Interphase Interiors was obtained to outfit a single office at \$2,578.48 per office (see Appendix A16) and the installation cost for office furniture (\$400) was provided in an email from Interphase Interiors (see Appendix A17). The total cost to outfit and update the office furniture at both office locations is \$74,462.

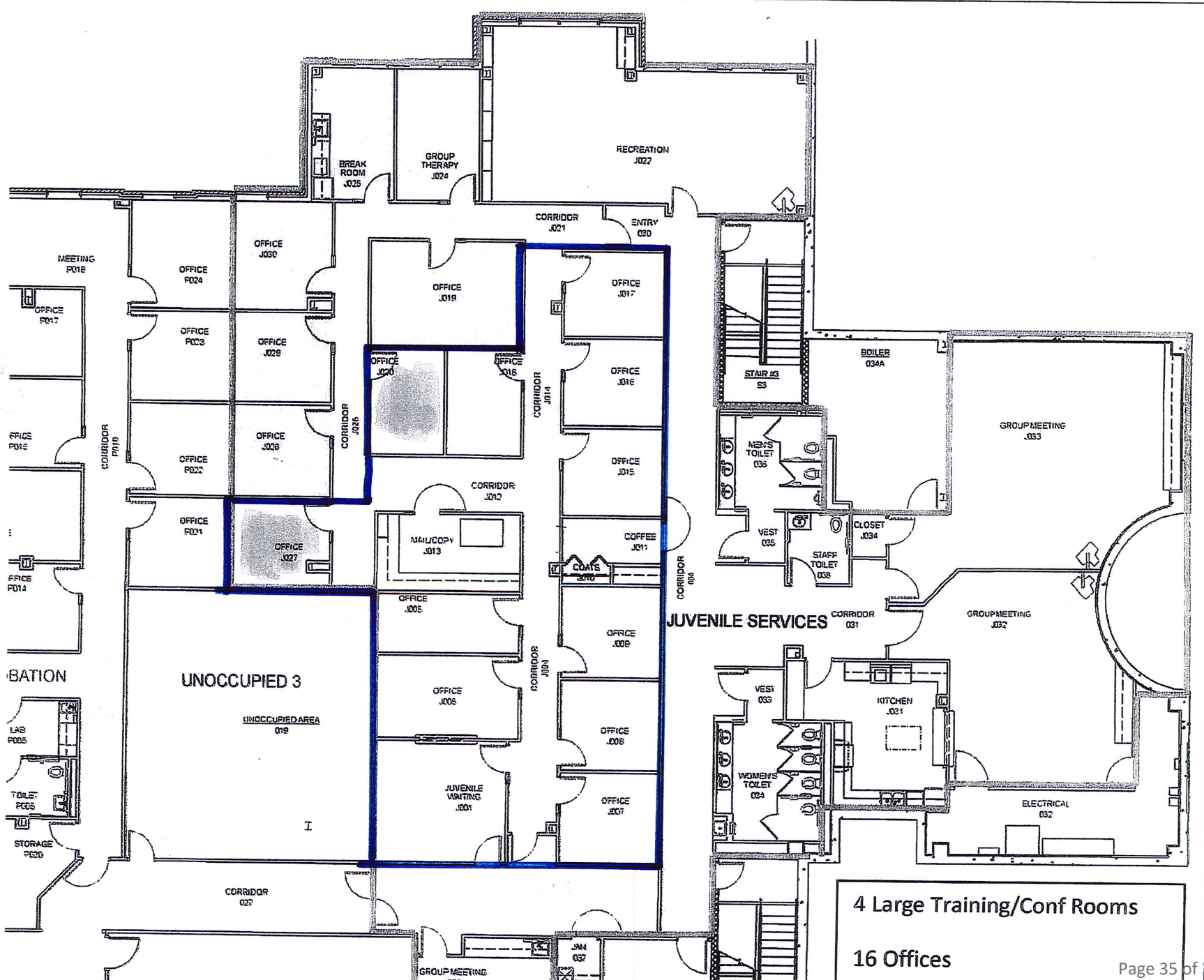
Fulton St.



BUILDING STATISTICS	
DEPARTMENT	SQ. FOOTAGE
COMMUNITY MENTAL HEALTH	3902
DEPARTMENT SUBTOTAL 3902	
COMMON AREAS	SQ. FOOTAGE
CONFERENCE ROOMS	1287
BREAK ROOM	362
CIRCULATION & OTHER	4212
COMMON AREAS SUBTOTAL 5861	
BUILDING TOTAL 9763	

OTTAWA COUNTY
 HUMAN SERVICES
 1111 FULTON AVENUE
 GRAND HAVEN, MICHIGAN

Appendix A15 - DHHS Building



4 Large Training/Conf Rooms
16 Offices

Interphase Interiors

3036 Eastern Avenue SE

Grand Rapids, MI 49508

Phone: 616-245-0800 Fax: 616-245-3974

Quote #



INTERPHASE
INTERIORS

Sold To:

Ship To:

Contact:

Phone:

Contact:

Phone:

Karen

Sales Person:

Item	Qty.	Product	Price	
			Unit	Extended
KAREN				
1	1	SCT-20-4115 Very Task Chair,Fab Seat,Mesh Bk,Hgt Adj Arms, Plstc Bse Hd Ctrs,Bk Lk, W/Lum,	\$336.50	\$336.50
KAREN	SEATING		(3A) ,3A-33 (MS) ,MS-FM ,TR-F ,TR-F ,TR-F	TELLURE TELLURE - MIAMI, GRADE A VERY TASK MESH VERY TASK MESH - SNOW, GRADE A BLACK, GRADE A BLACK, GRADE A BLACK, GRADE A
2	2	SCS-24-01E Very Side Enhanced,Fab Seat,Perforated Bk,Armless,Hd Csts,	\$127.78	\$255.56
KAREN	SEATING		(3A) ,3A-33 ,TR-FM ,TR-F ,TR-F	TELLURE TELLURE - MIAMI, GRADE A SNOW, GRADE A BLACK, GRADE A BLACK, GRADE A
3	1	WUAR-5400-PH Worksurface Reinforcement Channel 54In Width	\$5.90	\$5.90
KAREN	ACCESSORI ES			

Appendix A16

Item	Qty.	Product	Price	
			Unit	Extended
4	1	KUHS-0000-H Belong,Access,Hanging Sorter	\$22.26	\$22.26
KAREN	ACCESSORI ES	Accessory Surface Color	,TR-FM	SNOW GRD A
5	2	ZZFS-2400-LNEJ Worksurface Support Panel, Compose, 24In.W,Lam,3mm Edgeband Top	\$48.65	\$97.30
KAREN	WORKSURF ACES		,H-WL ,HP-WL	LINEN, GRADE A LINEN, GRADE A
6	2	ZUBF-0000-PN Flush Mount Plate	\$3.35	\$6.70
KAREN	WORKSURF ACES			
7	1	WURA-2490-LJSC Worksurface, Rect,24Dx90W,Lam,Edgeband,Std Core,No Cbl Mgt,	\$94.73	\$94.73
KAREN	WORKSURF ACES		,H-WL ,HP-WL	LINEN, GRADE A LINEN, GRADE A
8	1	WURA-2439-LJSA Worksurface, Rect,24Dx39W,Lam,Edgeband,Std Core,Notched	\$45.88	\$45.88
KAREN	WORKSURF ACES		,H-WL ,HP-WL	LINEN, GRADE A LINEN, GRADE A
9	1	TA0M-1354-LF Planes,Modesty Panel,13InX54In,Lam,Full	\$75.47	\$75.47
KAREN	TABLES	Modesty Surface Color Modesty Trim Color	,H-WL ,HP-WL	LINEN GRD A LINEN GRD A

Appendix A16

Item	Qty.	Product	Price	
			Unit	Extended
10	1	TVRA-2970-LJSNTV Hop,Table,Rt,Lam,29"x70",Eb3,Std,Co:none,T,Eadjdls,Gld	\$688.75	\$688.75
KAREN	TABLES	Worktop Surface Color Worktop Edge Color-Users Edge Base Color 1A	,H-WL ,HP-WL ,TR-E	LINEN GRD A LINEN GRD A SMOKE GRD A
11	1	JPAH-24-SJ X Series,Pedestal,Attached,B/B/F,24"D,PtdDrwFrnt, Stl Lkrl,J Pull	\$130.34	\$130.34
KAREN	LOWER STORAGE		,TR-E ,LR-BP	SMOKE, GRADE A CHROME, GRADE A
12	1	JLPD-0230-SJA X Series,27.5"H x 30"W,Lateral File,File,Ptd Drawer Front,Proud,Ptd Lock Bar,Attached,J Pull,Glides	\$177.37	\$177.37
KAREN	LOWER STORAGE		,TR-E ,LR-BP	SMOKE, GRADE A CHROME, GRADE A
13	1	J2BB-6424-SS1R X Series PST,BCase,64.5Hx24Wx24D,B/B/F,Valet,RH,PtdDwr,Ptd/StlDr,Ellipse Pull,Reg Top,Glide	\$521.82	\$521.82
KAREN	LOWER STORAGE		,TR-E ,TR-E ,LR-BP	SMOKE, GRADE A SMOKE, GRADE A CHROME, GRADE A
14	2	KUSH-0408-H Belong,Acces,Mini Shelf 4In.D X 8In.W	\$8.18	\$16.36
KAREN	ACCESSORIES	Accessory Surface Color	,TR-FM	SNOW GRD A
15	1	KUAF-1660 Tackboard,Wall-Mounted,Universal 16In. X 60In.	\$43.38	\$43.38
KAREN	ACCESSORIES		(3V) ,3V-MR	REVERB REVERB - MURMUR, GRADE B

Appendix A16

Item	Qty.	Product	Price	
			Unit	Extended
16	1	KUPY-1660 Slat Tile,Wall-Mount,Adaptable 16In. X 60In.	\$60.16	\$60.16
KAREN	ACCESSORIES		,TR-1J	SKY BLUE, GRADE B

Subtotal for: KAREN **\$2,578.48**

Sub Total: \$2,578.48
Tax:
Total: \$2,578.48

Approval and Date: _____

A 50% DEPOSIT IS REQUIRED AT THE TIME OF ORDER ENTRY. THANK YOU!

Quote is valid for 30 days.

Shannon Virtue

From: Shannon Virtue
Sent: Monday, May 14, 2018 10:32 AM
To: Shannon Virtue
Subject: FW: Private Offices

From: Trisha Harp [<mailto:trisha@interphaseinc.com>]
Sent: Monday, May 14, 2018 10:26 AM
To: Richard Vandekerkhoff
Subject: Private Offices

Hi Rich,
The budgetary pricing for one private office is going to be approx. 2600.00 on top of that please add an 400.00 charge as well for install per office. Let me know if you have any questions. Thanks!

Trisha Harp
Sales & Design Account Executive
c: 616-843-6989 | e: trisha@interphaseinc.com
3036 Eastern Ave. SE Grand Rapids MI 49508 | 616.245.0800
Interphaseinc.com



We believe that great people and great workspaces inspire great culture.

Appendix A18

Estimated Annual Cost to Appoint Conflict Attorneys for the Public Defender Office

	Average Number of Cases with a Court Appointed Attorney ¹	Estimated Number of Cases with a Conflict ²	2012			Estimated Annual Cost to Appoint Conflict Attorneys ³
			Cost of Court Appointed Attorneys	Total Cases with a Court Appointed Attorney	Average Cost per Court Appointed Attorney Case	
Felony Criminal & Traffic Cases	818	46	\$532,332	808	\$658.83	\$30,306
Felony Cases Not Bound Over to Circuit Court	327	18	\$913,535	2,813	\$324.75	\$5,846
Misdemeanor Criminal & Traffic Cases	2,324	23	\$913,535	2,813	\$324.75	\$7,469
Total		87				\$43,621

Source: 20th Circuit Court; 58th District Court; Muskegon County Public Defender Office

¹ Based on actual caseload from 2008-2016

² Conflict cases arise when an attorney from the Public Defender Office has represented a co-defendant or an adversary in a case. In these instances, an attorney who does not work in the Public Defender Office will be assigned to the case. The estimates are based on conflict case data obtained from the Muskegon County Public Defender Office. In Muskegon County, they estimate that 5.6% of felony cases (100 out of 1,800) and 1.0% of misdemeanor cases (50 out of 4,800) in the Public Defender's Office are conflict cases

³ Calculated by multiplying the *Estimated Number of Cases with a Conflict* by the *Average Cost per Court Appointed Attorney Case* from 2012

Appendix A19

Compliance Planning Cost

Compliance Planning Team Member	Hourly Salary and Fringe Benefits	Number of Hours	Total Cost	Explanation
Kevin Bowling	\$80.56	44.50	\$3,584.92	Attended 7 Ottawa County Indigent Defense Meetings, drafted meeting agendas, wrote and edited Compliance Plan
Lori Catalino	\$64.20	18.00	\$1,155.60	Attended 6 Ottawa County Indigent Defense Meetings, District Court and Judges' meetings and the Indigent Defense Portal Meeting
Jennell Challa	\$54.07	7.50	\$405.53	Attended 4 Ottawa County Indigent Defense Meetings and the Indigent Defense Portal Meeting
Kristie Keltie	\$38.35	7.50	\$287.63	Attended 4 Ottawa County Indigent Defense Meetings and the Indigent Defense Portal Meeting
Sheri Lankheet	\$35.84	13.50	\$483.84	Attended 5 Ottawa County Indigent Defense Meetings, Indigent Defense Portal Meeting and completed additional research and follow up
Andrea Reenders	\$33.58	10.00	\$335.80	Attended 2 Ottawa County Indigent Defense Meetings, completed meeting preparation and follow up
Rebecca Rowden	\$49.36	4.50	\$222.12	Attended 3 Ottawa County Indigent Defense Meetings
Paul Sachs	\$69.14	4.00	\$276.56	Attended 2 Ottawa County Indigent Defense Meetings and an internal PPID meeting
Alan Vanderberg	\$112.58	12.00	\$1,350.96	Attended 5 Ottawa County Indigent Defense Meetings and meetings with Kevin Bowling, Court Administrator
Shannon Virtue	\$49.79	48.50	\$2,414.82	Attended 5 Ottawa County Indigent Defense Meetings, internal meetings, the MIDC webinar as well as gathered data for and created the cost tables for the Public Defender Office
			\$10,518	

Source: 20th Circuit Court; 58th District Court; Planning and Performance Improvement Department, Ottawa County Administrator