



# Manistee County Board of Commissioners

Manistee County Courthouse • 415 Third Street • Manistee, Michigan 49660

CHAIRPERSON  
Jeffrey Dontz  
VICE-CHAIRPERSON  
Karen Goodman

Margaret Batzer  
Mark Bergstrom  
Pauline Jaquish  
Gene Lagerquist  
Richard Schmidt

CLERK

Jill Nowak  
(231) 723-3331

CONTROLLER/ADMINISTRATOR

David A. Kiefl, Jr.  
(231) 398-3504

## JOINT MANISTEE/BENZIE COURT COMMITTEE

Thursday, January 17, 2019  
3:00 P.M.

Benzie County Courthouse and  
Government Center  
Board of Commissioners Meeting Room  
Beulah, Michigan

### AGENDA

- 1) Call to Order by the Chairman.
- 2) Public Comment.
- 3) Approval of Minutes from the Thursday, November 29, 2018 Joint Court Committee Meeting. (APPENDIX A)
- 4) Discussion RE: MIDC Update
- 5) Schedule 2019 Joint Court Committee Meetings (APPENDIX B)
- 6) Other items from Committee Members, Judges, and staff.
- 7) Adjournment.

# APPENDIX A

## Manistee County Board of Commissioners



Manistee County Courthouse • 415 Third Street • Manistee, Michigan 49660

CHAIRPERSON  
Jeffrey Dontz  
VICE-CHAIRPERSON  
Brook Shafer

Margaret Batzer  
Mark Bergstrom  
Karen Goodman  
Pauline Jaquish  
Richard Schmidt

CLERK

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(231) 723-3331

CONTROLLER/ADMINISTRATOR

David A. Kieft, Jr.  
(231) 398-3504

### JOINT MANISTEE-BENZIE COURT COMMITTEE

Thursday, November 29, 2018  
1:30 p.m.

Manistee County Courthouse & Government Center  
Board of Commissioners Meeting Room

### MINUTES

**Members Present:** Jeff Dontz, Karen Goodman and Richard Schmidt, Manistee County Commissioners; Gary Sauer, Chairman and Coury Carland, Benzie County Commissioners

**Members Absent:** None

**Others Present:** Hon. David A. Thompson, Circuit Court Judge; Hon. Thomas N. Brunner; Dave Kieft, Jr., Manistee County Controller/Administrator; Mitch Deisch, Benzie County Administrator; Lisa Sagala, Manistee County Human Resources Manager/Asst. County Administrator; Jared Henry, Manistee County 85<sup>th</sup> District Court Magistrate; Clayton Kelley, Research Attorney/Referee; Karen Feliczak, Deputy Court Administrator;

The meeting was called to Order at 1:30 p.m.

### PUBLIC COMMENT

None.

### THURSDAY, SEPTEMBER 20, 2018 JOINT COURT COMMITTEE MINUTES

Motion by Carland, seconded by Goodman to approve the Joint Manistee-Benzie Court

Motion Carried

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**DISCUSSION RE: MICHIGAN INDIGENT DEFENSE COMMISSION STATE GRANT AGREEMENT**

Discussion regarding the MIDC State Grant Agreement and implementation took place. The following topics were discussed:

- The Miller Canfield attorney opinion.
- The 180-day implementation deadline for the Regional Public Defenders Office. (RPDO)
- The proposed budget and amended budget.
- Security matters for both Manistee and Benzie counties regarding the implementation of the RPDO in both locations.
- The posting of the job description for the Chief Public Defender position and interview process.

Moved by Carland, seconded by Schmidt to recommend the approval of the job description for the Chief Public Defender position for the Regional Public Defenders Office (RPDO) and that the position may be posted.

YEAS: Sauer, Carland, Dontz, Goodman, Schmidt

NAYS: None

Motion Carried

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**OTHER ITEMS FROM COMMITTEE MEMBERS, JUDGES AND STAFF**

None.

The meeting was adjourned at the Call of the Chair at 2:29 p.m.

**MANISTEE COUNTY**

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**Karen Goodman**  
**Manistee County Commissioner**

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**Jeff Dontz**  
**Manistee County Commissioner**

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**Richard Schmidt**  
**Manistee County Commissioner**

**BENZIE COUNTY**

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**Gary Sauer**  
**Benzie County Commissioner**

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**Coury Carland**  
**Benzie County Commissioner**

# BENZIE COUNTY BOARD OF COMMISSIONERS

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448 COURT PLACE – BEULAH, MI 49617 – (231) 882-9671  
[www.benzieco.net](http://www.benzieco.net)

## MANISTEE-BENZIE JOINT COURT COMMITTEE

Thursday, September 20, 2018  
3:00 P.M.

Benzie County Courthouse & Government Center  
Frank Walterhouse Board Room

### MINUTES

**Members Present:** Gary Sauer, Chairman and Coury Carland, Benzie County Commissioners; Jeff Dontz, Karen Goodman and Richard Schmidt, Manistee County Commissioners

**Members Absent:** None

**Others Present:** Hon. John D. Mead, Benzie County Probate Court; Mitch Deisch, Benzie County Administrator; Dave Kieft, Jr., Manistee County Controller/Administrator; Lisa Sagala, Manistee County Human Resources Manager/Asst. County Administrator; Pauline Jaquish, Manistee County Commissioner; Kim Nowak, Benzie County District/Probate Court; Walter Armstrong, Benzie County Magistrate; Susan Boyd, Benzie County Finance Manager; John Daugherty, Attorney; and Dawn Olney, Benzie County Clerk.

The meeting was called to order at 3:00 p.m. by Gary Sauer.

**Public Comment:** None

**Motion by Dontz, seconded by Carland, to approve the minutes of August 16, 2018 as corrected on page 2, fourth line, first word: should be stated. Motion carried. Ayes: All**

### Discussion RE: Trip to Muskegon Public Defenders Office

Mr. Deisch reported that the trip was a great experience; they are ahead of the game; he stated that he found it interesting that they lose 85-90% of all cases they handle. They stated that what would be helpful to them is the need for a research attorney. They also indicated that the most important thing for them would be walls and doors – they need to be able to hold private conversations with their clients. They do all courts – Circuit, District, Probate, Juvenile, Neglect/Abuse and they only use contract attorneys when there is a conflict.

Mr. Carland stated that they have 2,000 felonies to handle.

Mr. Keift said it was nice of them to host us. They stated the Public Defender Office was started in January 2014. They are willing to help us as we proceed.

Mr. Dontz stated that we need to start walking down that path and be ready.

Mr. Carland stated that the Chief Public Defender would be appointed by the Board of Commissioners and they would report to the two County Administrators. Judge Mead confirmed that is proper; the intent of the Commission is to keep the courts out of it. Mr. Carland stated it makes sense to have the members on the Public Defender Committee be the same as this Joint Court Committee; he also stated that Muskegon also talked about getting interns.

Ms. Goodman indicated that Centra Wellness may be able to help too, they are working with juvenile court now.

Mr. Schmidt asked if there are grants to help pay for it.

**Discussion RE: Job Descriptions for Public Defender Position**

Ms. Sagala provided each member with a DRAFT Public Defender job description which is mirrored from several other job descriptions that are out there. We can title it whatever we want, but this would be the person in charge of the department. Public Defender would be top, Chief Public Defender would be 2<sup>nd</sup> in charge; Assistant Public Defender would be the next three. She stated that it was agreed that we would have five positions plus one support person. Whoever is hired for this position, would help to write the job descriptions for the other positions in the office. There has been \$30,000 budgeted for clerical support/administrative person.

Mr. Carland suggests adding to Education – to include Master of Public Administration (MPA) preferred.

Ms. Goodman stated that you could have a combination of the degree and experience, say five (5) years management and/or supervisory.

**Discussions RE: MAC Attorney Opinion on MIDC/LARA  
Violating fund parameters identified in state statute**

Mr. Deisch stated that he forwarded the Miller Canfield Opinion that MAC received and the MAC fact sheet regarding MIDC and the letter from Dena Bosworth to Judge Thompson, then they talked about it; Judge Thompson asked if there were any lawsuits, Mitch responded that he doesn't know, but the stance taken by MAC is that MIDC and LARA violate the statutes regarding funding. Originally it was to be 100% funded; then the 80/20 or 90/10 approach; then a change again, where LARA said 20% up front then 1/4ly you will file a report telling us how you spent the funds and we will classify this as a grant, then review for completeness and then 45-60 days after review they will reimburse us.

Mr. Sauer stated that even if we sign the agreement, it violates the statute.

Mr. Kieft says we have received nothing that says there is a deadline to sign the grant.

Mr. Deisch feels that we should be supporting MAC and not signing any legal documents.

Mr. Dontz says that he is on board with the concept with what we are trying to do.

Mr. Sauer stated that he is on board with getting ready to hire a public defender and get some of this stuff in place.

Mr. Deisch requests he and Mr. Kieft send an email to the State and ask: 1) when does the time start running; and 2) when do you anticipate hearing from LARA and MIDC.

Mr. Deisch asks if the Joint Court Committee is in support of MAC's efforts to continue to research this on our behalf – Yes

**Discussion RE: Public Defender hiring process**

Job postings will be done – MAC, Court sites (as provided by Court Administrator). How long will we hold this out there? 30 – 60 days – there is some local interest in this position. Lisa stated that anyone applying for this position they know the dynamics of this.

Ms. Goodman asked who is interviewing these people? Ms. Sagala would recommend Doug Hughes from Muskegon; Mitch Deisch; Dave Kieft; Lisa Sagala; Karen Goodman; and will ask a retired Judge, perhaps Judge Gabrick from Onekama.

**Motion by Carland, seconded by Sauer, to recommend to the Board of Commissioners to have the Joint Court Committee also act as the Manistee-Benzie Public Defender (MIDC) Committee. Ayes: All Nays: None Motion carried.**

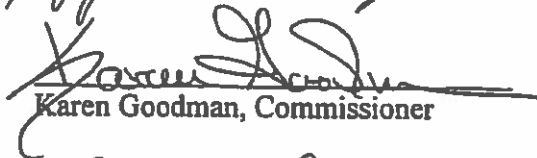
**Other Items from Committee Members, Judges and Staff**

None.

All items on the agenda having been handled, the meeting is adjourned at 4:10 p.m.

**MANISTEE COUNTY**

  
\_\_\_\_\_  
Jeff Dontz, Commissioner

  
\_\_\_\_\_  
Karen Goodman, Commissioner

  
\_\_\_\_\_  
Richard Schmidt, Commissioner

**BENZIE COUNTY**

\_\_\_\_\_  
Corry Carland, Commissioner

\_\_\_\_\_  
Gary Sauer, Commissioner



Position: Public Defender

**SALARY:** \$85,000 Annually

**DEPARTMENT:** Public Defender

**OPENING DATE:**

**CLOSING DATE:**

**JOB DESCRIPTION:**

Under the direction and supervision of the County Administrator, the Public Defender serves as the attorney of record of all indigent adults in criminal cases ensuring that Manistee County meets all constitutional and legislative requirements as they pertain to the representation of indigent adult offenders. The Public Defender is responsible for development, implementation, oversight and direction of the Public Defender Office and the indigent defense private counsel conflict/overflow list. This includes staffing, training supervising, counseling, and disciplining the office.

This is a full-time, benefited position that requires frequent travel throughout Manistee and Benzie County. The position will be open until filled and the start date of the position is contingent on the implementation of funding.

**BENEFITS:**

- Hybrid pension plan which includes a Defined Benefit & Defined Contribution
- Comprehensive Medical, Pharmacy, Dental & Vision
- Optional Voluntary 457 Deferred Compensation plan
- Short-term & Long-term disability & Basic Life & AD&D insurance
- Health & Dependent flexible Spending Accounts
- Paid vacation, sick days & 13 Holidays.
- Unused vacation and sick time rolls over.

**ESSENTIAL JOB RESPONSIBILITIES/FUNCTIONS:**

- Develops and implements the Public Defender Officer including: staffing, training and supervising staff; implements and monitors indigent defense private counsel/overflow



- contract; develops and implements policies and procedures as proposed by the Michigan Indigent Defense Commission and approved by the Supreme Court.
- Represents clients in court proceedings, interviews law enforcement personnel, witnesses, corrections, officers, etc. Engages in negotiations with the Prosecutor and clients; prepares correspondence and legal documents; gathers and reviews case evidence, conducts research and reviews evidence, exhibits, reports, statements, etc; conducts all aspects of criminal representation including appearing and arguing in court for arraignments, preliminary hearings, pre-trial motions, and trial.
  - Assigns cases to Chief Assistant and Assistant Public Defenders and private counsel at first appearance. Directs Chief Assistant and Assistant Public Defenders in gathering and analyzing evidence, preparing arguments, filing necessary documents, and presenting cases in court. Consults and recommends course of formal legal defense as appropriate and regularly monitors cases in progress, makes departmental decisions on major courses of action & plea bargaining conditions.
  - Resolves client/staff conflicts arranging replacement counsel as appropriate.
  - Directs and/or performs the department's administrative functions and prepares the department's annual budget.
  - Utilize county resources efficiently and effectively to provide a high level of indigent defense services; ensures that legal representation of each client continues in other courts, legal proceedings arising from the same case and programs as requested by the court and that once assigned, attorney continues to represent each client through to completion of the proceedings unless a reassignment is necessary.
  - Verify that each private counsel used for conflict or overflow has adequate liability insurance; that is maintained and that the county and court are held harmless from liability arising from their representation of a client.
  - Monitors legal developments, including legislation and court decisions which may impact the work of the Department; ensure that legal staff is kept up to date on such developments.
  - Develops and implements programs to assess, meet or exceed mandated standards adopted as a requirement by the Michigan Indigent Defense Commission, the American Bar Association, and the State Bar of Michigan for competent legal defense services.
  - Develop internal case load management, attend meetings and conferences with other agencies and departments as required.
  - Attend meetings, conferences, and continuing legal education opportunities as approved by the County Administrator and monitors private counsel participation in continuing legal education events.
  - Perform other duties as required by the County Administrator.

#### **REQUIRED EDUCATION, TRAINING AND EXPERIENCE:**

**Education:** This position requires a Juris Doctorate Degree with a Certificate of Admittance to the State Bar of Michigan as evidence of continued good standing and the authority to practice law through the State of Michigan.

**Experience:** A minimum of five (5) years of experience in the practice of criminal law, with no fewer than seven (7) felony jury trials that have been submitted to the jury.

**Physical:** Must be able to perform essential job functions with or without reasonable accommodations, including, but not limited to, visual and/or audiological appliances and devices to increase mobility. Work is generally performed in a normal office and court environment with travel through Manistee and Benzie County.

Manistee County is an Equal Opportunity Employer

# Appendix B

## 2019 Calendar

### January

Su	Mo	Tu	We	Th	Fr	Sa
31	1	2	3	4	5	
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

### February

Su	Mo	Tu	We	Th	Fr	Sa
27	28	29	30	31	1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28		

### March

Su	Mo	Tu	We	Th	Fr	Sa
31	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

### April

Su	Mo	Tu	We	Th	Fr	Sa
30	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30				

### May

Su	Mo	Tu	We	Th	Fr	Sa
28	29	30	1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

### June

Su	Mo	Tu	We	Th	Fr	Sa
25	26	27	28	29	30	1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30						

### July

Su	Mo	Tu	We	Th	Fr	Sa
30	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

### August

Su	Mo	Tu	We	Th	Fr	Sa
28	29	30	31	1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

### September

Su	Mo	Tu	We	Th	Fr	Sa
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30					

### October

Su	Mo	Tu	We	Th	Fr	Sa
29	30	1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

### November

Su	Mo	Tu	We	Th	Fr	Sa
27	28	29	30	31	1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30

### December

Su	Mo	Tu	We	Th	Fr	Sa
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				