

SPONSOR: Heath/E. Brown

ORDINANCE NO. 13-06

Heath/Reed

AN ORDINANCE ~~REVOKING ORDINANCE NO. 96-05, AND~~ AUTHORIZING THE CITY TO ENTER INTO AN AGREEMENT BETWEEN THE CITY OF JACKSON, OHIO, AND THE BOARD OF COMMISSIONERS OF JACKSON COUNTY, OHIO, FOR THE PROVISION OF A PUBLIC DEFENDER FOR INDIGENTS, AND DECLARING AN EMERGENCY.

WHEREAS, the City of Jackson previously adopted Ordinance No. 96-05, which provided for a contract between the City and the County for the provision of legal counsel for indigent defendants; and

WHEREAS, a scrivener's error appeared on Ordinance No. 96-05 wherein the written amount of the contract and the numeric amount of the contract were different; and

WHEREAS, Jackson City Council desires to enter into the agreement and to correct the scrivener's error which appeared in Ordinance No. 96-05.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF JACKSON, STATE OF OHIO, as follows:

Section One. The Mayor and/or City Council President is authorized to enter into an Agreement between the City of Jackson, Ohio, and the Board of Commissioners of Jackson County, Ohio, for the provision of a Public Defender for indigents. A copy of the Agreement is attached hereto as "Exhibit A" and is incorporated herein. This Agreement shall be for the period from July 1, 2005 through December 31, 2005, and shall be in an amount of Ten Thousand Six Hundred Thirty Six and No/100 Dollars (\$ 10,636.00). The payment of fees under this Agreement shall be paid from line item 110-7750-53007 (Professional Services).

Section Two. This Ordinance is hereby declared to be an emergency Ordinance

necessary for the immediate preservation of the public peace, health, or safety of the City of Jackson, in that it is necessary to enter into this agreement as soon as possible in order that the amount due under this contract can be paid immediately. Therefore, this Ordinance shall go into effect upon passage and approval by the Mayor, as provided in Ohio Revised Code Section 731.30.

Section Three. In the event this Ordinance receives a majority vote for passage but fails to receive the required number of votes to pass as an emergency, then this Ordinance shall be deemed to have passed but with no emergency clause and shall take effect at the earliest time permitted by law.

Section Four. This Council finds and determines that all formal actions of this Council concerning and relating to the passage of this ordinance were taken in an open meeting of this Council and that all deliberations of this Council that resulted in those formal actions were in meetings open to the public, all in compliance with the law.

Date: Jan 23, 2006

Jans Hinzley
PRESIDENT OF COUNCIL

Alyce M. Smith
CLERK OF COUNCIL

Date: 1-23-06

Approved: [Signature]
MAYOR

MEMO

Date: 01/17/2006
To: Jack Detty
From: Carl Barnett, Jr.
RE: 2ND Half 2005 Indigent Defense

Please prepare an Ordinance for the next City Council meeting that revokes Ordinance # 96-05 and authorizes the City to enter into an agreement between the City of Jackson, Ohio and the Board of Commissioners of Jackson County, Ohio, for the provision of a public defender for indigents for the 2nd half of 2005.

Ordinance # 96-05 was previously passed for this measure. Upon review from our office we found that the line item on 96-05 was incorrect and the words and numbers for the contract amount did not match on the face of the Ordinance.

We have received a second request for payment but cannot proceed until this matter can be resolved. Once a new Ordinance is passed we can issue a purchase order and then issue payment on this invoice.

The correct contract amount is \$10,636.00 and the correct line item to pay this from is 110-7750-53007 (General Fund: General Government Department: Professional Services).

SPONSOR: MR HEATH

ORDINANCE NO. 96-05

AN ORDINANCE AUTHORIZING THE CITY TO ENTER INTO AN AGREEMENT BETWEEN THE CITY OF JACKSON, OHIO, AND THE BOARD OF COMMISSIONERS OF JACKSON COUNTY, OHIO, FOR THE PROVISION OF A PUBLIC DEFENDER FOR INDIGENTS, AND DECLARING AN EMERGENCY.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF JACKSON, STATE OF OHIO, as follows:

Section One. The Mayor and/or City Council President is authorized to enter into an Agreement between the City of Jackson, Ohio, and the Board of Commissioners of Jackson County, Ohio, for the provision of a Public Defender for indigents. A copy of the Agreement is attached hereto as "Exhibit A" and is incorporated herein. This Agreement shall be for the period from July 1, 2005 through December 31, 2005, and shall be in an amount of Ten Thousand Six Hundred Thirty Six and No/100 Dollars (\$ 10,276.00) The payment of fees under this Agreement shall be paid from line item 228-7625-53002. → not correct line item

Word
& number
do not
match

Section Two. This Ordinance is hereby declared to be an emergency Ordinance necessary for the immediate preservation of the public peace, health, or safety of the City of Jackson, in that it is necessary to enter into this agreement as soon as possible. Therefore, this Ordinance shall go into effect upon passage and approval by the Mayor, as provided in Ohio Revised Code Section 731.30.

Section Three. In the event this Ordinance receives a majority vote for passage but fails to receive the required number of votes to pass as an emergency, then this Ordinance shall be deemed to have passed but with no emergency clause and shall take effect at the earliest time permitted by law.

OFFICE OF
JACKSON COUNTY COMMISSIONERS
275 PORTSMOUTH STREET
JACKSON, OHIO 45640-1750
(740) 286-3301
FAX (740) 286-4061

INVOICE

TO: CITY OF JACKSON
FROM: JACKSON COUNTY COMMISSIONERS
RE: INDIGENT DEFENSE CONTRACT
DATE JULY 11, 2005

UPON THE APPROVAL OF THE ATTACHED AGREEMENT, PLEASE PROCESS
YOUR PAYMENT AS LISTED BELOW:

AMOUNT DUE FOR 2ND HALF OF 2005 \$ 10,636.00

THIS AMOUNT NEEDS TO BE PAID WITHIN 10 BUSINESS DAYS IN
ACCORDANCE WITH NUMBER 4 OF CONTRACT AGREEMENT (3.4).

PLEASE MAKE CHECK PAYABLE TO:

JACKSON COUNTY COMMISSIONERS

NOW THEREFORE, the parties do mutually agree to bind themselves as follows:

1. REPRESENTATION

- 1.1 The COUNTY will contract with the Ohio Public Defender's Office to provide legal representation in Municipal Court on or after the commencement date and during the term of this agreement in which the defendant is indigent and charged with the commission of an offense or act which is a violation of a CITY ordinance and for which the penalty or any possible adjudication includes the potential loss of liberty, except in those matters where the Ohio Public Defender, its attorneys or designees have a conflict of interest.
- 1.2 Indigency shall be determined in accordance with the standards of indigency and other rules and guidelines established by the Ohio Public Defender's Commission and the State Public Defender, pursuant to Ohio Revised Code 120.03 and Ohio Administrative Code 120-1-03.
- 1.3 A major purposes of this agreement is to enable the COUNTY and CITY to obtain partial reimbursement of its costs to have the Ohio Public Defender or appointed counsel in conflict situations, provide legal representation in Jackson County Municipal Court for indigent adults and juveniles charged with any violation of a CITY ordinance for which the penalty or any possible adjudication includes the potential loss of liberty. Any question regarding terms or performance of this agreement should be resolved in favor of obtaining this result.

2. COMPENSATION

- 2.1 The CITY agrees to pay the COUNTY as follows:

The sum of Ten Thousand Six Hundred Thirty-Six Dollars (\$10,636) which shall constitute payment for all the Ohio Public Defender services and assigned counsel services during the term of this agreement.
- 2.2 The sum shall be paid in one lump sum upon signed approval by the COUNTY and the CITY.
- 2.3 The COUNTY will issue an invoice with the agreement.
- 2.4 Reimbursements for representation in the Municipal Court shall not exceed the schedule promulgated by the County under O.R.C. 120.33.

4.3 No personnel of the parties or member of the governing body of any locality or other public official or employee of any such locality in which, or relating to which, the work under this Agreement is being carried out, and who exercises any functions or responsibilities in connection with the review or approval of the understanding or carrying out of any such work, shall, prior to the completion of said work, voluntarily acquire any personal interest, direct or indirect, which is incompatible or in conflict with the discharge and fulfillment of his or her functions and responsibilities with respect to the carrying out of said work.

5. MODIFICATION

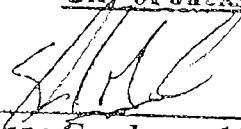
- 5.1 This contract may not be amended orally.
- 5.2 This contract may be amended only by written addendum, signed and executed by the parties named herein, or their successors.

IN WITNESS WHEREOF, the parties have hereunto set their hands.

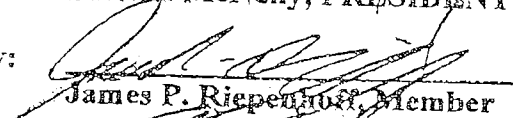
Jackson County Commissioners

City of Jackson

By: 
Rick A. McNelly, PRESIDENT

By: 
Shane Goodman, Mayor

Date: 8/17/05

By: 
James P. Riepenhoff, Member

By: 
Ed Armstrong, Member

State Public Defender Commission

By: _____
David H. Bodiker

Date: _____

Date: 7.7.05

