

Sponsor: Hensler/Ondera

ORDINANCE NO. 33-16

AN ORDINANCE OF THE LEGISLATIVE AUTHORITY OF THE CITY OF JACKSON AUTHORIZING THE MAYOR TO ENTER INTO THE INDIGENT DEFENSE CONTRACT WITH THE JACKSON COUNTY COMMISSIONERS SO AS TO PROVIDE LEGAL COUNSEL TO INDIGENT PERSONS CHARGED WITH VIOLATIONS OF THE JACKSON MUNICIPAL CODE FOR THE SECOND HALF OF 2016 IN AN AMOUNT OF \$12,069.42 AND DECLARING AN EMERGENCY.

WHEREAS, the City of Jackson, Ohio is obligated to provide legal counsel to indigent persons charged with violation of the Municipal Code, greater than a minor misdemeanor; and

WHEREAS, the Jackson County Commissioners have contracted with the Ohio Public Defenders Commission to provide counsel to indigent persons and has made arrangements for this legal counsel to provide defenses to indigent persons charged with violations of the Jackson City Code; and

WHEREAS, the contract is for the second half of 2016 beginning on July 1, 2016 and ending December 31, 2016 at a cost to the city in an amount of \$12,069.42 to paid from line item 110-7750-53007 (professional services); and

WHEREAS, this matter constitutes an emergency as providing indigent counsel is required of the City and there is a deadline for payment and timely payment is necessary to further the health, safety and welfare of the City.

WHEREAS, a copy of the contract and invoice is attached hereto and is incorporated herein; and

NOW, THEREFORE, BE IT ORDAINED THAT THE LEGISLATIVE AUTHORITY OF THE POLITICAL SUBDIVISION OF THE CITY OF JACKSON THAT THE MAYOR IS HEREBY AUTHORIZED AND DIRECTED TO ENTER INTO THE AGREEMENT FOR INDIGENT DEFENSE SERVICES IN MUNICIPAL COURT, ATTACHED HERETO, AND TO CAUSE PAYMENT TO BE MADE IN THE AMOUNT OF \$12,069.42 FROM THE APPROPRIATE FUND AND DECLARING AN EMERGENCY.

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.

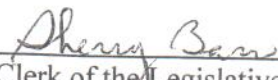
It is hereby found and determined that all formal actions of this Council concerning and relating to adoption of this ordinance were adopted in an open meeting of this Council and the deliberations of this Council and any of its committees that resulted in such formal action were in a meeting open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

PASSED AND ADOPTED by the Legislative Authority of the Political Subdivision on this 11th
day of July, 2016.



President of Council

ATTEST:



Clerk of the Legislative Authority

Approved this 10th day of July, 2016.



Mayor

**AGREEMENT FOR INDIGENT DEFENSE SERVICES
IN MUNICIPAL COURT
(PUBLIC DEFENDER)**

This Agreement is entered into by and between the Jackson County Commissioners, with a mailing address of 275 Portsmouth Street, Jackson, Ohio 45640, (hereinafter referred to as the "COUNTY"), and the City of Jackson, with a mailing address of 145 Broadway Street, Jackson, Ohio 45640 (hereinafter referred to as the "CITY").

WHEREAS, the CITY recognizes its responsibility under the laws of the State of Ohio and of the United States of America to provide legal counsel to indigent persons charged with a violation of a City ordinance for which the penalty or any possible adjudication includes the potential loss of liberty , and

WHEREAS, Jackson County had adopted a program whereby the COUNTY has contracted with the State to provide indigent defense services in the County of Jackson, and

WHEREAS, the COUNTY pursuant to Ohio Revised Code 120.14 and 120.16 may enter into a contract with a municipal corporation whereby the COUNTY may provide legal representation to indigent adults and juveniles charged with a violation of an ordinance of a municipal corporation for which the penalty or possible adjudication includes the potential loss of liberty and under which the municipal corporation shall pay the COUNTY for these services, and

WHEREAS, these contracts must contain terms in conformance with Ohio Administrative Code 120-1-09 and the parties must follow the Ohio Public Defender Commission standards and guidelines and the State Maximum Fee Schedule for Appointed Counsel, in conflict situations, in order for the COUNTY to obtain reimbursement for indigent defense costs pursuant to Ohio Revised Code 120.18, 120.33 and 120.35, and pay the CITY it's appropriate share if such has not already been calculated into the formula to determine compensation, and

WHEREAS, this Agreement has been authorized by the CITY by resolution or Ordinance # 33-16, passed by the CITY Council on 7-11-16, and by Resolution _____, passed by the Board of Commissioners of Jackson County on _____.

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 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 Twelve Thousand and Sixty-nine Dollars and forty-two cents (\$12,069.42) which shall constitute payment for all the Ohio Public Defender services and assigned counsel 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.

2.5 The COUNTY shall promptly pay over to the CITY any reimbursement received from the Office of the Ohio Public Defender Commission

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: _____

By: _____

Jerry Hall, President

Randy Heath, Mayor

By: _____

Date: _____

Paul Haller, Vice President

State Public Defender Commission

By: _____

By: _____

Edmund Armstrong, Member

Timothy Young

Date: _____

Date: _____

JERRY HALL
PRESIDENT

PAUL HALLER
VICE PRESIDENT

EDMUND ARMSTRONG
MEMBER

OFFICE OF
JACKSON COUNTY COMMISSIONERS
275 PORTSMOUTH STREET
JACKSON, OHIO 45640
(740)286-3301
FAX (740)286-4754

INVOICE

TO: City of Jackson
FROM: Jackson County Commissioners
RE: Indigent Defense Contract

PLEASE PROCESS YOUR PAYMENT AS LISTED BELOW:

AMOUNT DUE FOR 2nd HALF OF 2016 **\$12,069.42**

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