



City of Columbus

Office of City Clerk
90 West Broad Street
Columbus OH 43215-9015
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Legislation Text

File #: 0985-2007, **Version:** 1

BACKGROUND: The Franklin County Public Defender Commission performs all the duties and responsibilities under Section 12 of the City Charter, Chapter 173 of the Columbus City Codes, 1959, and Sections 120.13 and 120.14(e) of the Ohio Revised Code in providing legal counsel to indigent persons charged with criminal offenses. Since 1976, the City has contracted with the Commission to represent in the Franklin County Municipal Court all indigent persons charged (based on poverty guidelines as determined by the United States Department of Health and Human Services) with the violations of an ordinance of the City of Columbus. Except for State charged misdemeanors, the City funds the Municipal Unit while the Franklin County Commissioners fund the balance.

Award of this contract meets the procurement provisions of Chapter 329.29 and 3901.15 of the Columbus City Codes, 1959. Emergency action is requested since the start of this contract was January 1, 2007.

FISCAL IMPACT: This contract is presented on the basis of an understanding that the total contract for services upon which the City will pay the Commission is \$3,807,843.00 of which it is expected the State Public Defender Commission will reimburse an estimated 28%, and the Franklin County Commissioners will pay 66% of the remaining expenses that are the result of State charged misdemeanors for a net cost to the City of \$932,160.00. In the event the State reimburses at a different rate and/or the actual State charged misdemeanors differs, the contract may be amended upward or the City may be due reimbursement. As part of the 2007 budget amendments, Council placed \$915,000 in the Department of Finance and Management's citywide account for this contract. The balance of the contract will be funded through the contingency fund in the citywide account.

To authorize the transfer of \$932,160.00 within the General Fund, Department of Finance and Management, Division of Financial Management, to authorize the Director of the Department of Finance and Management to enter into contract with the Franklin County Public Defender Commission to provide legal counsel to indigent persons charged with criminal offenses, to authorize the expenditure of \$932,160.00 from the General Fund and to declare an emergency. (\$932,160.00)

WHEREAS, The City of Columbus recognizes its responsibilities as defined in Section 12 of the City Charter, Chapter 173 of the Columbus City Codes, 1959, and Sections 120.13 and 120.14(e) of the Ohio Revised Code to provide legal counsel to indigent persons charged with criminal offenses; and

WHEREAS, the City of Columbus in furtherance of the execution of its legal responsibilities, desires to provide such legal services to the City's indigent citizens and others so situated, and to do so in cooperation with the Franklin County Public Defender Commission; and

WHEREAS, this contract is presented on the basis of an understanding that the total contract for services upon which the City will pay the Commission is \$3,807,843.00 of which it is expected the State Public Defender Commission will reimburse an estimated 28%, and the Franklin County Commissioners will pay 66% of the remaining expenses that are the result of State charged misdemeanors for a net cost to the City of \$932,160.00; and

WHEREAS, at the completion of the contract a reconciliation payment is made or received by the City based on actual expenditures vs. anticipated expenditures, actual State charged misdemeanors vs. anticipated, and actual State Public Defender Commission reimbursement vs. anticipated reimbursements; and

WHEREAS, an emergency exists in the usual daily operation of government of the City of Columbus that it is immediately necessary to authorize a contract with the Franklin County Public Defender Commission in order to assure the continuity of legal services to indigent persons in Columbus thereby preserving the public peace, property, health, safety and welfare; now, therefore,

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:

SECTION 1. That the Director of the Department of Finance and Management be and is hereby authorized to contract with the Franklin County Public Defender Commission of Columbus, Ohio for the period of January 1, 2007 through December 31, 2007.

SECTION 2. That the City Auditor is hereby authorized to transfer the sum of \$932,160.00 from within the general fund, 010, the Finance and Management Department, Division of Financial Management, Department No. 45-01, from OCA Code 904508, Object level 1-10, Object Level 3-5501 to OCA Code 450015, Object Level 1-3, Object Level 3-3337.

SECTION 3. That the sum of \$932,160.00 be and hereby is authorized to be expended from the General Fund, Sub-Fund 01-100, Department of Finance and Management, Department 45-01, Object Level One 03, OCA Code 450015, Object Level Three 3337, to pay the cost thereof.

SECTION 4. Award of this contract meets the procurement provisions of Chapter 329.29 and 3901.15 of the Columbus City Code, 1959.

SECTION 5. That for the reasons stated in the preamble hereto, which is hereby made a part hereof, this ordinance is declared to be an emergency measure and shall take effect and be in force from and after its passage and approval by the Mayor, or ten days after passage if the Mayor neither approves nor vetoes the same.