



## Legislation Text

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**File #: 0463-2011, Version: 1**

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### **BACKGROUND:**

The Municipal Court Judges have been provided funding since 1985 to pay court-appointed counsel when the public defender has a conflict of interest.

This legislation authorizes the Franklin County Municipal Court Judges to enter into contract with the Franklin County Commissioners and authorizes the expenditure for the purpose of providing court-appointed counsel. This legislation is necessary since it is the Court's 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 serious offenses and loss of liberty offenses, when the public defender has a conflict of interest.

This legislation is submitted as an emergency measure as the Court's contract with the Franklin County Commissioners has an effective date of January 1, 2011.

**EMERGENCY ACTION** is requested in order to have a contract in place with the Franklin County Commissioners as soon as possible.

**FISCAL IMPACT:** The amount for the expenditure is budgeted and available within the Court's 2011 general fund budget.

To authorize the Franklin County Municipal Court Judges, through the Administrative and Presiding Judge, to contract with the Franklin County Commissioners to provide legal counsel to indigent defendants in the Franklin County Municipal Court when the public defender has a conflict of interest; to authorize the expenditure of up to an amount not to exceed \$130,000 from the Court's general fund; and to declare an emergency. (\$130,000.00)

**WHEREAS**, the Court has a responsibility to provide legal representation to indigent persons through an appointed counsel system when the public defender has a conflict of interest; and

**WHEREAS**, funds in an amount up to an amount not to exceed \$130,000 is budgeted for the Franklin County Municipal Court Judges for this contractual agreement; and

**WHEREAS**, an emergency exists in the usual daily operation of the Franklin County Municipal Court Judges in that it is immediately necessary to authorize a contract and associated expenditures with the Franklin County Commissioners in order to assure the continuity of legal services to indigent persons when the public defender has a conflict of interest, 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 Administrative and Presiding Judge of the Franklin County Municipal Court be and hereby is authorized and directed to contract with the Franklin County Commissioners to provide legal counsel to indigent persons in the Franklin County Municipal Court when the public defender has a conflict of interest, in accordance with the following:

- A. That the period of said contract shall be twelve months commencing January 1, 2011 and terminating December 31, 2011.
- B. That the contract specifies that the Franklin County Commissioners agree to promptly pay the City of Columbus any reimbursement for the amount expended by this contract that the county receives pursuant to Section 120.33 (D) of the Ohio Revised Code.

C. That the contract specifies that the Municipal Court Judges may elect to have the City of Columbus tender up to three installment payments to the Franklin County Commissioners. This measure will potentially alleviate the situation, when it exists, of having large sums of money remaining in the contract at its ultimate conclusion.

D. That the contract specifies that, if and when a sufficient surplus amount exists in the contract at the normal fiscal closing date in December of 2010, that upon the Franklin County Auditor's Office re-opening of their records in January of 2011, payment of legal fees to legal counsel continue until exhaustion of these funds or until receipt of the 2011 contract amount.

**SECTION 2.** That up to an amount not to exceed the sum of one hundred thirty thousand dollars (\$130,000.00) be and hereby is authorized to be expended from the Franklin County Municipal Court, department 2501, fund number 010, oca code 250191, object level 1 - 03, object level 3 - 3324 to pay the cost thereof.

**SECTION 3.** That for the reason 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.