



Legislation Text

File #: 0117-2005, Version: 1

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

This legislation is necessary since the Court has a 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. Also, this legislation is considered an emergency measure primarily because of the effective date of January 1, 2005 and the length of time involved for contract approval and ultimate submission of these funds to Franklin County.

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

FISCAL IMPACT: \$500,000.00 has been allocated for this expenditure within our 2005 budget.

To authorize the Franklin County Municipal Court Judges, through the Administrative/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 up to an amount not to exceed \$500,000.00 from the General Fund, and to declare an emergency. (\$500,000.00)

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

WHEREAS, funds in the amount of up to \$500,000.00 are budgeted within 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 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/Presiding Judge of the Franklin County Municipal Court Judges be and hereby is authorized and directed to contract with the Franklin County Commissioners to provide legal counsel to indigents 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, 2005 and terminating December 31, 2005.
- B. That the contract specify 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 specify 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. Whereas, this potential surplus could be utilized within the Municipal Court's budget in other critical areas.

D. That the contract specify that, if and when a sufficient surplus amount exists in the contract at the normal fiscal closing date in December, 2005, that upon the Franklin County Auditor's Office re-opening of their records in January, 2006, payment of legal fees to legal counsel continue until exhaustion of these funds or until receipt of the 2006 contract amount is received by March, 2006.

E. That reimbursement be made for such legal services rendered from January 1, 2005 through March 31, 2006.

SECTION 2. That up to an amount not to exceed the sum of five hundred thousand dollars (\$500,000.00) be and hereby is authorized to be expended from the General Fund, Fund 010, Department 25-01, Object Level One 03, Object Level Three 3324, OCA Code 250191, 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 proves nor vetoes the same.