



Legislation Text

File #: 1224-2015, **Version:** 1

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 (based on poverty guidelines as determined by the United States Department of Health and Human Services) charged with 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.

This contract is presented on an understanding that the total cost of the 2015 program is \$5,121,083, of which the Franklin County Commissioners' portion is 60 percent and the city's portion is 40 percent. After 40 percent reimbursement from the State Public Defender Commission, it is expected that the cost to the city will be \$1,229,060. This amount is increased by \$153,145.59 from the 2014 expenditure reconciliation, resulting in a net 2015 contract amount of \$1,382,205.59. In the event the actual State-charged misdemeanors differ from the estimate, and/or the State reimburses at a different rate, the city may owe the County or be due reimbursement. A reconciliation will be conducted at year-end to determine the final charges.

The \$153,145.59 expenditure reconciliation stated above is primarily due to a salary survey conducted by Franklin County in response to concerns regarding employee compensation rates. The results of the survey affected all positions in the Public Defender office and determined that the majority of its employees were underpaid relative to market averages. As a result, the county judicial system expressed concern as to their ability, under their current classification and pay structure, to compete effectively within the market to attract and retain qualified employees. As such, the salary survey wage adjustments were approved (with retroactive pay adjustments back to January, 2014) by the County Commissioners on November 4, 2014, via Resolution No. 788-14. While this contract is a budgeted expense within the Financial Management Division's 2015 general fund operating budget, the above mentioned salary adjustment was unanticipated and therefore is an unbudgeted item. As such, this ordinance authorizes the transfer of funds between divisions within the Finance and Management Department general fund so payment to the County can be made.

Award of this contract meets relevant procurement provisions of Chapter 329 of the Columbus City Codes, 1959.

Franklin County Public Defender Commission, Contract Compliance #31-0890833

Emergency action is requested since the start of this contract was January 1, 2015. Action prior to this date was not possible until the 2014 contract expenses had been reconciled.

FISCAL IMPACT: This contract is a budgeted expense within the Financial Management Division's 2015 general fund operating budget. However, the above mentioned salary adjustment was unanticipated and therefore is an unbudgeted item. As such, this ordinance authorizes the transfer of funds between divisions within the Finance and Management Department's general fund budget to provide sufficient budgetary authority to execute this contract.

To authorize and direct the City Auditor to transfer \$153,145.59 within the general fund; 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 \$1,382,205.59 from the general fund; and to declare an emergency. (\$1,382,205.59)

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 an understanding that the total cost of the 2015 program is \$5,121,083, of which the Franklin County Commissioners' portion is 60 percent and the city's portion is 40 percent. After 40 percent reimbursement from the State Public Defender Commission, it is expected that the cost to the city will be \$1,229,060. This amount is increased by \$153,145.59 from the 2014 expenditure reconciliation, resulting in a net 2015 contract amount of \$1,382,205.59; and

WHEREAS, at the completion of the contract a reconciliation is performed based upon actual 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 City Auditor be and is hereby authorized and directed to transfer \$153,145.59 within the general fund as follows:

From: Department of Finance & Management
Dept/Div: 45-07
Fund 10
Object Level One: 03
Object Level Three: 3311
OCA Code: 450043
Amount: \$153,145.59

TO: Department of Finance & Management
Dept/Div: 45-01
Fund: 10
Object Level One: 03
Object Level Three: 3337
OCA Code: 450015
Amount: \$153,145.59

SECTION 2. 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, 2015 through December 31, 2015.

SECTION 3. That the sum of \$1,382,205.59 be and hereby is authorized to be expended from the general fund as follows:

Dept/Div: 45-01

Fund: 10
OCA Code: 450015
Object Level One: 03
Object Level Three: 3337
Amount: \$1,382,205.59

SECTION 4. That award of this contract meets the relevant procurement provisions of Chapter 329 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.