



Legislation Text

File #: 1162-2012, **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.

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

Emergency action is requested since the start of this contract was January 1, 2012. Action prior to this date was not possible until the 2011 contract expenses had been reconciled.

FISCAL IMPACT: This contract is presented on an understanding that the total cost of the program is \$4,039,986, of which the Franklin County Commissioners' portion is 59 percent and the City's portion is 41 percent. After 35 percent reimbursement from the State Public Defender Commission, it is expected that the cost to the City will be \$1,076,656. This amount is adjusted by a credit of \$12,731 from the 2011 expenditure reconciliation, resulting in a net 2012 contract amount of \$1,063,925. In the event the actual State-charged misdemeanors differs 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.

This contract is a budgeted expense.

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 \$1,063,925.00 from the General Fund; and to declare an emergency. (\$1,063,925.00)

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 understanding that the total contract for services is \$4,039,986, of which the Franklin County Commissioners' portion is 59 percent and the City's portion is 41 percent, and that after 35% reimbursement from the State Public Defender Commission, and a credit of \$12,731 from the 2011 reconciliation, the net 2012 cost to the City will be \$1,063,925.00; and

WHEREAS, at the completion of the contract a reconciliation is performed based upon 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, 2012 through December 31, 2012.

SECTION 2. That the sum of \$1,063,925.00 be and hereby is authorized to be expended from the General Fund, Fund 10, 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 3. That award of this contract meets the procurement provisions of Chapter 329 of the Columbus City Code, 1959.

SECTION 4. 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.