



Legislation Text

File #: 1558-2019, **Version:** 1

Background: This ordinance authorizes the Finance and Management Director to enter into contract with the Franklin County Public Defender Commission for providing legal counsel to indigent persons charged with criminal offenses. 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 Code 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 2019 public defender program is budgeted to be \$5,708,884, of which the Franklin County Commissioners' portion is 56 percent (or \$3,196,975) and the City's portion is 44 percent (or \$2,511,909). The State Public Defender Commission is projected to reimburse 42 percent of these costs and therefore the net cost to the City will be \$1,456,907. This amount is then decreased by \$102,070 from the 2018 expenditure reconciliation, resulting in a net 2019 contract amount of \$1,354,837. 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.

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

Franklin County, aka Treasurer Franklin County, Contract Compliance #31-6400067

Emergency action is requested since the start of this contract was January 1, 2019. Action prior to this date was not possible until the 2018 contract expenses had been reconciled.

FISCAL IMPACT: This ordinance authorizes an expenditure of \$1,354,837.00 from the General Fund with the Franklin County Public Defender Commission for providing legal counsel to indigent persons charged with criminal offenses. The Department of Finance and Management budgeted \$1,300,000.00 within the Financial Management Division for this contract; therefore a transfer of \$54,837.00 within the General Fund is necessary to provide the funds necessary to adequately fund the contract. These additional funds are available from personnel surpluses identified in the first quarter review. In 2018, \$1,252,381.00 was expended for these legal services.

To authorize the Director of the Department of Finance and Management to enter into a contract with the Franklin County Public Defender Commission to provide legal counsel to indigent persons charged with criminal offenses; to authorize the transfer of \$54,837.00 within the General Fund; to authorize the expenditure of \$1,354,837.00 from the General Fund; and to declare an emergency (\$1,354,837.00)

WHEREAS, the City of Columbus recognizes its responsibilities as defined in Section 12 of the City Charter, Chapter 173 of the Columbus City Code 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 2019 program is budgeted to be \$5,708,884, of which the Franklin County Commissioners' portion is 56 percent and the City's portion is 44 percent. After a 42 percent reimbursement from the State Public Defender Commission, it is expected that the cost to the City will be \$1,456,907. This amount is decreased by \$102,070 from the 2018 expenditure reconciliation, resulting in a net 2019 contract amount of \$1,354,837; 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 the Department of Finance and Management in that it is immediately necessary to authorize the Director of Finance and Management to enter into 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 is hereby authorized to enter into a contract with the Franklin County Public Defender Commission of Columbus, Ohio, for the period of January 1, 2019 through December 31, 2019.

SECTION 2. That the transfer and appropriation of \$54,837.00, or so much thereof as may be needed, in regard to the actions authorized in Section 1, is hereby authorized within the General Fund 1000, Dept-Div 4501 Financial Management per the account codes in the attachment to this ordinance.

See Attached File: Ord 1558-2019 Legislation Template.xls

SECTION 3. That the expenditure of \$1,354,837.00, or so much thereof as may be needed, in regard to the actions authorized in Sections 1, is hereby authorized in the General Fund 1000, Subfund 100010 Object Class 03 - Contractual Services per the accounting codes in the attachment to this ordinance.

See Attached File: Ord 1558-2019 Legislation Template.xls

SECTION 4. That the monies in the foregoing Sections shall be paid upon order of the Director of Finance and Management, and that no order shall be drawn or money paid except by voucher, the form of which shall be approved by the City Auditor.

SECTION 5. That the funds necessary to carry out the purpose of this ordinance are hereby deemed appropriated, and the City Auditor shall establish such accounting codes as necessary.

SECTION 6. That the City Auditor is authorized to make any accounting changes to revise the funding source for all contracts or contract modifications associated with this ordinance.

SECTION 7. 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.