



## Legislation Text

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**File #:** 1319-2023, **Version:** 1

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**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 with the understanding that the total cost of the 2023 public defender program is budgeted to be \$7,152,759.00, of which the Franklin County Commissioners' portion is 58 percent (or \$4,148,600.00) and the City's portion is 42 percent (or \$3,004,159.00). The State Public Defender Commission is projected to reimburse 75 percent of these costs and therefore the net cost to the City will be \$751,040.00. This amount is then increased by \$255,955.00 from the 2022 expenditure reconciliation, resulting in a net 2023 contract amount of \$1,006,995.00. 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 it may 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

**Emergency action** is requested since the start of this contract was January 1, 2023. Action prior to this date was not possible until the 2022 contract expenses had been reconciled.

**FISCAL IMPACT:** This ordinance authorizes an expenditure of \$1,006,995.00 from the general fund with the Franklin County Public Defender Commission for providing legal counsel to indigent persons charged with criminal offenses. In 2022, \$80,106.00 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 expenditure of \$1,006,995.00 from the general fund; and to declare an emergency (\$1,006,995.00)

**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 with the understanding that the total cost of the 2023 program is budgeted to be

\$7,152,759.00, of which the Franklin County Commissioners' portion is 58 percent and the City's portion is 42 percent. After a 75 percent reimbursement from the State Public Defender Commission, it is expected that the cost to the City will be \$751,040.00. This amount is increased by \$255,955.00 from the 2022 contract reconciliation, resulting in a net 2023 contract amount of \$1,006,995.00; 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 City of Columbus 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 continued provision 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 authorized to enter into a contract with the Franklin County Public Defender Commission of Columbus, Ohio for the period of January 1, 2023 through December 31, 2023.

**SECTION 2.** That the expenditure of \$1,006,995.00, or so much thereof as may be needed, is 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 1319-2023 Public Defender Legislation Template.xls**

**SECTION 3.** 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 4.** That the funds necessary to carry out the purpose of this ordinance are deemed appropriated, and the City Auditor shall establish such accounting codes as necessary.

**SECTION 5.** 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 6.** That for reasons stated in the preamble hereto, which is made a part hereof, this ordinance is declared an emergency measure and shall take effect and be enforced from and after its passage and approval by the Mayor, or ten days after passage if the Mayor neither approves nor vetoes the same.