

# RECORD OF ORDINANCES

BEAR GRAPHICS 800-325-8094 FORM NO. 30043

Ordinance No. 2018-49 Passed December 6, 2018

## ORDINANCE 2018-49

**AN ORDINANCE AUTHORIZING THE CITY ADMINISTRATOR TO ENTER INTO A RENEWAL CONTRACT WITH THE PUBLIC DEFENDERS COMMISSION OF WOOD COUNTY FOR THE REPRESENTATION OF INDIGENT DEFENDANTS IN "ORDINANCE ONLY" CASES FILED BY THE CITY OF NORTHWOOD; AND DECLARING AN EMERGENCY.**

**WHEREAS**, It is the responsibility of the City of Northwood under the laws of the State of Ohio and United States of America to provide legal counsel to indigent persons charged with a violation of City ordinance only for which the penalty or any possible adjudication includes the potential loss of liberty; and

**WHEREAS**, Wood County, Ohio has adopted an indigent defense program for the County and the Wood County Public Defender represents qualified indigent individuals, and

**WHEREAS**, Pursuant to the Ohio Revised Code Section 120.33 the County Public Defender Commission may enter into a contract with a municipal corporation under which the municipal corporation shall reimburse the County for counsel appointed to represent indigent persons charged with a violation of only an ordinance of the municipal corporation for which the penalty or any possible adjudication includes the potential loss of liberty, and

**WHEREAS**, Public Defender Commission of Wood County has submitted a cost estimate for the representation of qualified indigent individuals of \$100.00 per case which is in conformity with Fee Schedule for Appointed Counsel established by the Wood County Board of Commissioners. The total estimated cost for the representation of indigent individuals charged with a violation of only a City ordinance for which the penalty or any possible adjudication includes the potential loss of liberty is \$1,000.00 per year.

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NORTHWOOD, WOOD COUNTY, OHIO THAT:**

**SECTION 1.** The City Administrator is hereby authorized and directed to enter into a Renewal of Agreement with the Public Defenders Commission of Wood County, Ohio, a copy of which is on file with the City Administrator, to provide the representation of qualified indigent individuals charged with a violation of City ordinance for which the penalty or any possible adjudication includes the potential loss of liberty, for a one year term commencing January 1, 2019 to December 31, 2019 with the cost of One Hundred Dollar (\$100.00) per case.

**SECTION 2.** It is found and determined that all formal actions of council concerning or relating to the passage of this Ordinance were adopted in an open meeting of the Council, and that all deliberations of this Council and any of its committees, that resulted in such formal actions, were in meetings open to the public in compliance with all legal requirements of the City of Northwood and the State of Ohio.

**SECTION 3.** This ordinance shall take effect as an emergency measure because it is immediately necessary to maintain compliance with City's responsibility under the laws of the State of Ohio and United States of America to provide legal counsel to qualified indigent persons charged with a violation of a City ordinance only, and therefore promotes the health, safety and welfare of our citizens.

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Vote to suspend the rules:

For 6 Against 0

Vote on emergency clause:

For 6 Against 0

Vote on final adoption:

For: 5 Against 0

*Kozina - abstained*

Adopted 12/6/18 as an emergency measure.

ATTEST:

*Kelly*  
Clerk of Council

*R. Kyri*  
President of Council

APPROVED AS TO FORM:

*[Signature]*  
City Attorney

APPROVED:

*Louis F. Felack*  
Mayor