

ORDINANCE NO. 99 -04

By: Helen MacMurray

An Ordinance to authorize the Mayor and Auditor to execute a contract on behalf of the City with the Franklin County Public Defender Commission for calendar year 2005 with respect to the defense of indigent defendants before the Franklin County Municipal Court and to declare an emergency.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF BEXLEY, OHIO:

Section 1. That the Mayor and Auditor are hereby authorized to execute a contract on behalf of the City with the Franklin County Public Defender Commission for calendar year 2005 with respect to the defense of indigent defendants before the Franklin County Municipal Court charged with a violation of a City ordinance within the City, said contract to be in the form attached hereto as Exhibit A and stipulating a fee of \$72.50 per hour.

Section 2. That this Ordinance is an emergency measure necessary for the immediate preservation of the public health, safety or welfare, said emergency being the necessity of providing uninterrupted representation of indigent defendants before the Franklin County Municipal Court, and it shall be in full force and effect upon its passage and approval by the Mayor.

Passed: 12-28, 2004

[Signature]
President of Council

Attest: [Signature]
Clerk of Council

12-14-04 FIRST READING
12-21-04 SECOND READING
12-28-04 Third Reading Passed

Approved: 12/28, 2004

[Signature]
David H. Madison, Mayor

CONTRACT

This Agreement, beginning on January 1, 2005, by and between the Franklin County Public Defender Commission, pursuant to Ohio Rev. Code, section 120.14(E), and the City of Bexley, for the defense of indigent defendants before the Franklin County Municipal Court; the parties agree as follows:

The Franklin County Public Defender Commission hereby agrees to represent, through the personnel employed by the Franklin County Public Defender Commission, all indigent persons, coming before the Franklin County Municipal Court, Criminal Division, charged with a violation of an ordinance of the City of Bexley, which occur within the limits of Bexley, Ohio; provided that the Franklin County Public Defender Commission, reserves the right to decline representation if a conflict of interest exists in any specific case filed in or coming before the Franklin County Municipal Court; and, provided further, that the Mayor of Bexley, Ohio, reserves the right to appoint other counsel to represent defendants charged with a violation of an ordinance of Bexley, Ohio, or traffic and/or criminal statutes of the State of Ohio, which occur within the jurisdictional limits of Bexley, Ohio in any specific case filed in or coming before the Franklin County Municipal Court.

The City of Bexley agrees to pay the sum of \$72.50 per case. Said sum due to be stated by invoice from the Franklin County Public Defender at quarterly intervals. Checks or warrants should be made payable to the Columbus City Treasurer - Public Defender Service.

This contract may be terminated by either party at any time before the expiration of the contract, by giving thirty (30) days written notice to the other party, of its intention to terminate.

The parties further agree that this Contract shall be in full force and effect from the date first written above through December 31, 2005, unless terminated earlier, as provided herein.

IN WITNESS WHEREOF, the parties have executed this Contract, this

17th day of January, 2005.

City of Bexley

BY: 

Mayor of Bexley

BY: 

Auditor

Franklin County Public Defender Commission

BY: 

Richard F. Swope
Chairman