

RESOLUTION NO. R22-2006

A RESOLUTION AUTHORIZING JOSEPH J. DENEN, CITY MANAGER TO ENTER INTO AN AGREEMENT WITH THE FAYETTE COUNTY COMMISSIONERS FOR THE PROVISION OF PUBLIC DEFENDER SERVICES.

WHEREAS, The City Council of the City of Washington Court House has deemed it necessary and proper to secure Public Defender Services for indigent persons; and

WHEREAS, The provision of Public Defender services to indigents meets certain requirements of the system of law to which we are all accustomed.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF WASHINGTON COURT HOUSE, FAYETTE COUNTY, OHIO AS FOLLOWS:

SECTION 1. That Joseph J. Denen, City Manager is hereby authorized and directed to enter into an agreement with the Fayette County Commissioners for the provision of Public Defender services in the amount of **Thirty One Thousand Seven-Hundred Thirty-Two Dollars and Forty Cents (\$31,732.40).**

SECTION 2. That said agreement for the provision of Public Defender Services is attached to this Resolution and marked "Exhibit A" and is herein incorporated by reference and no deviation from said agreement is authorized.

SECTION 3. That the agreement shall cover the period beginning July 1, 2006 and ending June 30, 2007, and that the cost for such agreement shall be paid for out of funds appropriated for such purposes.

SECTION 4. That this Resolution shall take effect at the earliest date permitted by law.

ADOPTED:

July 12, 2006

Gene Jennings
CHAIRPERSON OF COUNCIL

ATTEST:

Deanne M. Keaton
CLERK OF COUNCIL

APPROVED AS TO FORM:

Mark J. Petrus
CITY ATTORNEY

**SUPPLEMENTAL AGREEMENT FOR PAYMENT
OF SERVICES OF PUBLIC DEFENDER**

This Supplemental Agreement is made and entered into at Washington Court House, Ohio, this 12th day of July, 2006, by and between the Board of Commissioners of Fayette County, Ohio, hereinafter referred to as the "Commission" and the City of Washington Court House, Ohio, referred to as the "City", said Agreement being made to supplement an Agreement between the Commission and the City dated December 19, 1988, wherein the City agreed to pay to the Commission certain monies as payment for the City's share of funds expended by the Commission for counsel (attorneys) fees for indigent defendants in the Municipal Court of Washington Court House.

WHEREAS, in May, 1989 a Public Defender was appointed by the Commission to represent indigent criminal defendants in the court system of Fayette County, Ohio, including representatives of indigent criminal defendants in the Municipal Court of Washington Court House, Ohio, and

WHEREAS, the City, in furtherance of its legal responsibilities, desires that the services of the Public Defender be available and delivered to indigent criminal defendants, and

WHEREAS, this Agreement has been authorized by Resolution numbered -- and passed by the Board of Commissioners of Fayette County, Ohio, on the 19th day of June, 2006, and by Resolution numbered R22 passed by the Council of the City of Washington Court House, Ohio, on the 12th day of July, 2006, the parties hereto agree as follows:

1. That the City shall pay to the Commission the sum of Thirty-two Thousand Eight Hundred Forty-two and 60/100 Dollars (\$32,842.60) annually as the City's share for sums expended by the Commission for Public Defender services paid by said Commission;
2. That the annual rate of \$32,842.60 shall be pro-rated for FY 2007 for the period of July 1, 2006 through June 30, 2007;
3. That the \$32,842.60 payment shall be paid at the first of each quarter in the amount of Eight Thousand Two Hundred Ten and 65/100 Dollars (\$8,210.65) to the Commissioners by the City upon this Supplemental Agreement;

4. That the City shall not be entitled to any reimbursement from the Commissioners for any amounts paid to the Commissioners by the State Public Defender for the reason that the \$32,842.60 sum agreed to herein has taken such reimbursement into account in calculating the City's share of the Public Defender costs;
5. That the payments from the City to the Commissioners under this Supplemental Agreement shall pertain to the Public Defender services provided and paid for by the Commissioners;
6. This Supplemental Agreement shall provide for payment of the City's share of all Public Defender costs. For the City's share of payment for representation of indigent criminal defendants by other than the Public Defender, such payment shall be made in the manner provided in the Agreement dated for the calendar year, January 1, 2006 through December 31, 2006.
7. That this Supplemental Agreement shall be effective commencing on July 1, 2006 through June 30, 2007.

WITNESSES:

FAYETTE COUNTY COMMISSIONERS

Judith Rumble

BLP

[Signature]

Tony Anderson

[Signature]

ATTEST:

CITY OF WASHINGTON COURT HOUSE

Deene M. Keaton

[Signature]
City Manager