

REQUESTED BY:
COLBERT

LAW DEPARTMENT
DRAFT NO. 3559

TITLE

AN ORDINANCE FOR THE PURPOSE OF AUTHORIZING THE MAYOR AND THE DIRECTOR OF PUBLIC SERVICE AND SAFETY, FOR AND ON BEHALF OF THE CITY OF WARREN, TO RENEW FOR ONE YEAR (I.E. 2016) THE EXISTING AGREEMENT WITH THE TRUMBULL COUNTY COMMISSIONERS FOR THE PURPOSE OF PROVIDING, DURING 2016, LEGAL REPRESENTATION, THROUGH THE OFFICE OF THE PUBLIC DEFENDER, TO QUALIFYING INDIGENT DEFENDANTS CHARGED IN THE WARREN MUNICIPAL COURT WITH VIOLATIONS OF WARREN CITY ORDINANCES WHERE THERE IS A POSSIBILITY OF INCARCERATION AND THE LEGAL RIGHT TO REPRESENTATION HAS NOT BEEN WAIVED, AND DECLARING AN EMERGENCY.

ORDINANCE NO. 12625/15

WHEREAS, the City OF Warren recognizes its responsibility under the laws of the State of Ohio and of the United States of America to provide legal counsel to an indigent person charged with a violation of a Warren City Ordinance for which the penalty or any possible adjudication includes the potential loss of liberty; and

WHEREAS, Trumbull County has adopted a program whereby the County Commissioners have contracted with the State to provide indigent defense services in the County of Trumbull, by and through the Public Defender's office; and

WHEREAS, the County Commissioners, pursuant to Ohio Revised Code Section 120.14 and Section 120.16, may enter into a contract with a municipal corporation whereby the County provides legal representation to indigent adults charged with violations of Ordinances of a municipal corporation for which the penalties or possible adjudication include the potential loss of liberty, and under which the municipal corporation shall pay the County for these services; and

WHEREAS, the City of Warren deems it in its best interests to meet the requirements of the law that qualifying indigent Defendants appearing before the Municipal Court of Warren be represented by the Office of the Ohio Public Defender; and

WHEREAS, by and through Warren City Ordinance No. 12569/14 (passed by Warren City Council and signed by the Mayor on November 25, 2014), the Mayor and the Director of Public Service and Safety were authorized for and on behalf of the City of Warren to enter into an agreement with the Trumbull County Commissioners for the purpose of providing, during 2014, legal representation, through the office of the Public Defender, to qualifying indigent defendants in the Warren Municipal Court; and

WHEREAS, such an agreement provides that it may be renewed for a one year term (i.e. 2016) upon resolution or Ordinance of this Council and approval of the Trumbull County Commissioners; and

WHEREAS, this Council desires that said agreement be so renewed; NOW THEREFORE

BE IT ORDAINED by the Council of the City of Warren, State of Ohio:

Section 1: That the Mayor and the Director of Public Service and Safety be, and hereby are, authorized, for and on behalf of the City of Warren, to renew for one year (i.e. 2016) the existing written agreement with the Trumbull County Commissioners for the purpose of providing during the Public Defender, to qualifying indigent defendants charged in the Warren Municipal Court with violations of Warren City Ordinances where there exists a possibility of incarceration and the legal right to representation as not been waived. Said agreement being the same agreement authorized and approved by Warren City Ordinance No. 12569/14 (passed by Warren City Council and signed by the Mayor on November 25, 2014).

Section 2: That the funds for payment of said agreement shall come from Account Number 100-250-533-900 Legal Fees.

Section 3: That the City Auditor be, and hereby is, authorized to disburse said funds upon receipt of proper vouchers, signed by the proper person, for the stated purpose and for no other purpose.

Section 4: That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, welfare and safety, and for the further reason that the agreement needs to be in effect without undue delay for 2016. WHEREFORE, this Ordinance shall go into immediate effect.

Passed in Council this 22ND day of
December, 2015.

SIGNED: [Signature]
PRESIDENT OF COUNCIL

ATTEST: [Signature]
CLERK

FILED WITH THE MAYOR: 12-22-15

DATE APPROVED: 12-22-15

[Signature]
MAYOR, CITY OF WARREN, OHIO