

RESOLUTION NUMBER 40-09
CITY OF CENTERVILLE, OHIO

SPONSORED BY COUNCILMEMBER Paul Gresham ON THE
16th DAY OF November, 2009.

A RESOLUTION AUTHORIZING AND DIRECTING THE CITY
MANAGER TO ENTER INTO A SERVICE AGREEMENT WITH THE LAW
OFFICE OF THE MONTGOMERY COUNTY PUBLIC DEFENDER TO
PROVIDE LEGAL SERVICES FOR INDIGENT PERSONS CHARGED
WITH JAILABLE OFFENSES UNDER THE CITY'S LOCAL
ORDINANCES.

NOW, THEREFORE, THE MUNICIPALITY OF CENTERVILLE HEREBY
RESOLVES:

SECTION 1. That the City Manager is authorized and directed to do all things necessary
to execute a Service Agreement between the City of Centerville and the Law Office of the
Montgomery County Public Defender, a copy of which is attached hereto as Exhibit "A" and
incorporated herein, which Agreement provides legal services for indigent persons charged with
jailable offenses under the City's local Ordinances.

PASSED this 16th day of November, 2009.

C. Mark Kueper
Mayor of the City of Centerville, Ohio

ATTEST:

Debra A. James
Clerk of the Council of the
City of Centerville, Ohio

CERTIFICATE

The undersigned, Clerk of the Council of the City of Centerville, Ohio, hereby certifies that the foregoing is a true and correct copy of Resolution Number 40-09, passed by the Council of the City of Centerville, Ohio, on the 16th day of November, 2009.

Debra A. James
Clerk of Council

Approved as to form, consistency
with existing ordinances, the
charter and constitutional provisions.

Department of Law
Scott A. Liberman
Municipal Attorney

SERVICE AGREEMENT
2010

WHEREAS the City of Centerville (City) and the Law Office of the Montgomery County Public Defender (Public Defender) want to provide legal services for indigent persons charged with jailable offenses under the City's local ordinances, the parties agree as follows:

- 1) The Public Defender will provide legal representation to all indigent persons charged with a violation of a City ordinance for which the person may be sentenced to a term of incarceration, except in those matters that the Public Defender has a conflict of interest;
- 2) The City will pay the Public Defender the sum of \$154.19 (one hundred fifty-four dollars and nineteen cents) per case for which the Public Defender provides representation;
- 3) A case shall be counted as any matter in which the City initially charges an indigent person under a City ordinance for which jail is a possible sentence and for which the Public Defender provides representation past the initial arraignment. Matters that have multiple City ordinance charges under one case number shall be counted as one case. Where a case has both ordinance charges and Ohio Revised Code charges, the municipality will be billed for the case whenever the ordinance is the highest degree charge or ties for the highest degree. Matters that are pled and sentenced at the initial arraignment shall be counted as .25 (one quarter) case. Matters that are reopened as the result of revocations, show causes, capiases, or for other reasons shall be counted as .20 (one fifth) case. There shall be no charge for the appeal of a case;
- 4) The Public Defender shall issue a monthly invoice for the prior month's services and the City shall pay said invoice within 30 (thirty) days of receipt;
- 5) Under no circumstances shall the fees charged herein exceed the fee schedule approved in Montgomery County for payment of appointed counsel.
- 6) All persons who receive legal representation pursuant to this agreement shall meet all applicable indigency requirements and conform to all other applicable rules and requirements as set forth by the Ohio Public Defender Commission and the Ohio Public Defender as promulgated pursuant to Ohio Revised Code Sections 120.01 et seq.;

7) The term of this agreement shall be from January 1, 2010 to December 31, 2010. Either party may terminate this agreement by giving written notice of the intent to terminate at least 30 (thirty) days prior to the date of termination.

IN WITNESS WHEREOF, the parties have hereunto set their hands this _____ day of _____, 2009.

THE CITY OF CENTERVILLE, OHIO

MONTGOMERY COUNTY
PUBLIC DEFENDER COMMISSION

BY _____
GREGORY B. HORN
City Manager

BY _____
MARIE P. WOLFF
Chairman

APPROVED AS TO FORM:

BY _____
SCOTT A. LIBERMAN
Legal Counsel

BY  _____
GLEN H. DEWAR
Public Defender

BY _____
TIMOTHY YOUNG
Ohio Public Defender Commission