RESOLUTION NUMBER 94-01
CITY OF CENTERVILLE, OHIO

SPONSORED BY COUNCILMAN *Susan W. Lienesch* ON THE
17th DAY OF *December* , 2001.

A RESOLUTION AUTHORIZING AND DIRECTING THE CITY MANAGER
TO ENTER INTO A CONTRACT 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.

THE MUNICIPALITY OF CENTERVILLE HEREBY RESOLVES THAT:

SECTION 1. The City Manager is hereby authorized and directed to do all things
necessary to execute a Contract 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 contract provides legal services for indigent persons charged with
jailable offenses under the City's local Ordinances.

SECTION 2. This Resolution shall become effective immediately upon passage.

PASSED this *17th* day of *December* , 2001.

Sally D. Beals
Mayor of the City of Centerville, Ohio

ATTEST:

Marilyn McLaughlin
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 ___94-01___, passed by the Council of the City of Centerville, Ohio, on the ___17th___ day of ___December___, 2001.

_____
Clerk of Council

Approved as to form, consistency
with existing ordinances, the
charter and constitutional provisions.
    Department of Law
    Robert N. Farquhar
    Municipal Attorney

SERVICE AGREEMENT
2002

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 $93.81 (ninety-three dollars and eighty-one 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. 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. An appeal of a conviction of a City ordinance charge shall be counted as 26 (twenty-six) cases;

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) 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

_____, 2002.

THE CITY OF CENTERVILLE, OHIO

MONTGOMERY COUNTY
PUBLIC DEFENDER COMMISSION

BY _____

GREGORY B. HORN
City Manager

BY _____

DAVID K. WEHNER
Chairman

APPROVED AS TO FORM:

BY _____   BY _____
      ROBERT N. FARQUHAR   GLEN H. DEWAR
      Legal Counsel   Public Defender

BY _____
      Ohio Public Defender
      Commission