

RESOLUTION 01-2023

ADOPTED: JANUARY 4, 2023

A RESOLUTON AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH THE LICKING COUNTY BOARD OF COMMISSIONERS FOR REIMBURSEMENT OF LEGAL COUNSEL FOR INDIGENT DEFENDANTS FOR THE VILLAGE OF KIRKERSVILLE, LICKING COUNTY, OHIO AND DECLARING AN EMERGENCY

WHEREAS, in circumstances where an indigent individual is charged with a violation of ordinances of the Village of Kirkersville, and that person requests appointed counsel, the Municipal Court will appoint an attorney to provide for the individual's defense; and

WHEREAS, the county provides legal representation for indigent adults through and appointed system adopted in accordance with Ohio Revised Code Section 120.33, and

WHEREAS, the county may contract with a municipal corporation to provide legal representation for indigent persons charged with a violation or an ordinance of a municipal corporation for which the penalty or any possible adjudication includes the loss of liberty, and

WHEREAS, if there is no existing agreement between the Village of Kirkersville and the Licking County Board of Commissioners regarding reimbursement of the counsel appointed for the defendant, Licking County is unable to reimburse such attorney.

WHEREAS, this contract must contain terms in conformance with Ohio Administrative Code 120-1-09 and the parties must follow the Ohio Public Defender Commission standards and guidelines and the limits of the County Maximum Fee Schedule for Appointed Counsel in order for the County to obtain reimbursement for indigent defense costs pursuant to ORC 120.33 and 120.35, and pay the Village its appropriate share.

WHEREAS, an agreement, Resolution 93-306 for Indigent Defense services in Municipal Court with the Licking County Commissioners and the Village of Kirkersville reflecting the terms in conformance with the Ohio Administrative Code 120-1-09 was approved on February 23, 2018, and

WHEREAS, the term of this agreement shall be for one (1) year, January 1, 2023 to December 31, 2023 with the option for renewal for additional one year terms upon proper resolution of each entity agreeing to the one year extension and proper appropriation of funding for the new year.

NOW THEREFORE, BE IT RESOLVED BY THE VILLAGE OF KIRKERSVILLE, LICKING COUNTY, STATE OF OHIO, that

SECTION 1. The Mayor is hereby authorized to enter into a contract with the Licking County Board of Commissioners for Reimbursement of Legal Counsel for Indigent Defendants for the Village of Kirkersville.

SECTION 3. All legislation or parts thereof that are inconsistent herewith, be and are hereby, repealed and this resolution shall take effect according to law.

SECTION 4: It is hereby found and determined that all formal actions of this Council concerning and relating to the adoption of this Resolution were adopted in an open meeting of this Council, and that any and all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements of the laws of the State of Ohio.

SECTION 5. That this Resolution is declared an emergency measure necessary for the health, safety and welfare of the Village and its residents and specifically that this contact goes into effect January 1, 2023 and this resolution shall take effect immediately upon passage.

Vote on emergency measure: yea, 6: Davis, Engel, Forsthoefel, Kincaid, Slone and Takach. Nay, none.

Vote on Resolution: yea, 6; Davis, Engel, Forsthoefel, Kincaid , Slone and Takach. Nay, none.

Passed in Council this 4 day of January, 2023

I, Shirley Roskoski, Fiscal Officer, for the Village of Kirkersville, do hereby certify the foregoing resolution was adopted in an open meeting of council on January 4, 2023.

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