

# County Council of Cuyahoga County, Ohio

## Resolution No. R2013-0225

Sponsored by: <b>County Executive FitzGerald on behalf of Public Defender</b>	<b>A Resolution</b> authorizing a revenue generating agreement with City of Cleveland/Cleveland Municipal Court in the amount not-to-exceed \$1,804,656.00 for legal services for indigent persons for the period 1/1/2013 - 12/31/2013; authorizing the County Executive to execute the agreement and all other documents consistent with this Resolution; and declaring the necessity that this Resolution become immediately effective.
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WHEREAS, the County Executive/Public Defender recommends approval of a revenue generating agreement with the City of Cleveland/Cleveland Municipal Court in the amount not-to-exceed \$1,804.656.00 for legal services for indigent persons for the period 1/1/2013 – 12/31/2013; and

WHEREAS, the City of Cleveland, through the Cleveland Municipal Court is obligated to provide appointed counsel to indigent defendants in the Cleveland Municipal Court when such defendants are charged with violations of the City’s Ordinances, which violations may result in incarceration; and

WHEREAS, pursuant to ORC 120.14 (E), the County Public Defender Commission may contract with any municipal corporation, within the County served by the County Public Defender, for the County Public Defender to provide legal representation for indigent persons who are charged with a violation of the ordinances of the municipal corporation; and

WHEREAS, the Cuyahoga County Public Defender Commission has agreed to provide legal services necessary to defend indigents charged with violation of City Ordinances; and

WHEREAS, the term of the proposed agreement is for the period 1/1/2013 – 12/31/2013 with an option to renew for an additional one-year term commencing January, 2014; and

WHEREAS, it is necessary that this Resolution become immediately effective in order that critical services provided by Cuyahoga County can continue and to provide for the usual, daily operation of a County entity.

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNTY COUNCIL OF CUYAHOGA COUNTY, OHIO:**

**SECTION 1.** The County Council hereby approves the revenue generating agreement with the City of Cleveland/Cleveland Municipal Court in the amount not-to-exceed \$1,804.656.00 for legal services for indigent persons for the period 1/1/2013 – 12/31/2013.

**SECTION 2.** That the County Executive is authorized to execute all documents required in connection with said contract.

**SECTION 3.** It is necessary that this Resolution become immediately effective for the usual daily operation of the County; the preservation of public peace, health, or safety in the County; and any additional reasons set forth in the preamble. Provided that this Resolution receives the affirmative vote of at least eight members of Council, it shall take effect and be in force immediately upon the earliest occurrence of any of the following: (1) its approval by the County Executive through signature, (2) the expiration of the time during which it may be disapproved by the County Executive under Section 3.10(6) of the Cuyahoga County Charter, or (3) its passage by at least eight members of Council after disapproval pursuant to Section 3.10(7) of the Cuyahoga County Charter. Otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

**SECTION 4.** It is found and determined that all formal actions of this Council relating to the adoption of this Resolution were adopted in an open meeting of the Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

On a motion by Mr. Gallagher, seconded by Mr. Germana, the foregoing Resolution was duly adopted.

Yeas: Gallagher, Schron, Conwell, Jones, Rogers, Simon, Greenspan, Miller, Brady, Germana and Connally

Nays: None

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County Council President

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Date

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County Executive

\_\_\_\_\_  
Date

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Clerk of Council

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Date

First Reading/Referred to Committee: October 8, 2013  
Committee(s) Assigned: Public Safety & Justice Affairs

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