

ORDINANCE NO. 12-2020 Passed Nov. 5, 2020

ORDINANCE AUTHORIZING A CONTRACT WITH THE WOOD COUNTY PUBLIC DEFENDER FOR THE REPRESENTATION OF INDIGENT PARTIES

WHEREAS, pursuant to the Ohio Constitution, The Ohio Revised Code, and the United States Constitution, criminal defendants, in most cases, are entitled to appointed counsel if they meet the indigency requirements; and

WHEREAS, absent a contractual agreement with the Wood County Public Defender, the Village must reimburse attorneys appointed by the court for indigent parties; and

WHEREAS, the Village has previously contracted with the Wood County Public Defender upon the same terms and conditions as set-forth below; and

WHEREAS, the Wood County Public Defender desires to provide services to those defendants who are cited under violations of only Village ordinances for the fee of one-hundred dollars (\$100.00) per case; and

WHEREAS, the Village desires to enter into such an agreement and finds the same to be fair and in the best interest of justice and necessary to protect the public health and peace.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF BRADNER, COUNTY OF WOOD, AND STATE OF OHIO:

SECTION 1. That the Village enter into an agreement with the Wood County Public Defender (WCPD), whereby said WCPD will provide legal representation to indigent defendants cited only with violations of Bradner Ordinances for the sum of one-hundred dollars (\$100.00) per case.

SECTION 2. The Mayor shall be authorized to sign on behalf of the Village to bind the Village in such an agreement, and to execute any and all documents necessary for the consummation of such relationship.

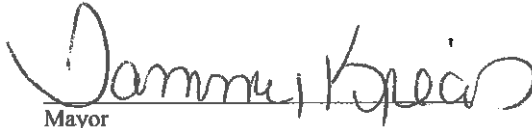
SECTION 3. The term of the agreement shall be from January 1, 2021 through December 31, 2021.

SECTION 4. That this Ordinance shall take effect and be in force from and after January 1, 2021.

SECTION 5. Copies of this Ordinance were posted in not less than five of the most public places in the Village, as determined by Council, for a period of not less than fifteen days prior to the effective date hereof.

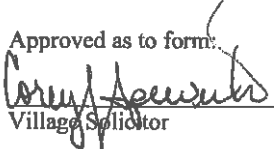
SECTION 6. All formal actions of Council relating to the adoption of this ordinance, and all deliberations of Council and any of its committees leading to such action were in meetings open to the public as required by law.

Passed 11/5/2020


Mayor

Attest:

Village Fiscal Officer

Approved as to form:

Village Solicitor

**AGREEMENT RENEWAL FOR WOOD COUNTY PUBLIC DEFENDER
SERVICES WITH MUNICIPALITY**

THIS AGREEMENT RENEWAL, is entered into by and between the Public Defender Commission of Wood County, Ohio, with a mailing address of Wood County Public Defender, 123 N. Summit Street, Bowling Green, Ohio 43402, (hereinafter referred to as the "COUNTY PUBLIC DEFENDER"), and the City/Village of Bradner, with a mailing address of 130 Main St., P.O. Box 599, Bradner, Ohio 43406 (hereinafter referred to as the "CITY/VILLAGE").

WHEREAS, Section 3.1 of the previously executed Agreement set the contract term at one year beginning January 1, 2020 through December 31, 2020, but allowed for renewal for an additional one-year terms upon execution of a proper resolution of each entity agreeing to the one year extension and appropriation of funding for the new contract year; and

NOW, THEREFORE, the parties, each in consideration of the promises made herein and in their prior Agreement, agree to the following:

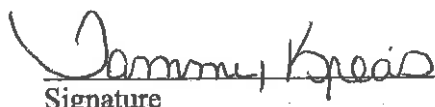
1. The CITY/VILLAGE of Bradner and the COMMISSION hereby agree to extend their Agreement for Public Defender representation of indigents charged only with violations of municipal ordinances for an additional one-year term from January 1, 2021 to December 31, 2021.
2. The CITY/VILLAGE further represents that it has approved this extension of the Agreement by Resolution of Council, a copy of which is attached hereto, and appropriated the funds for the new contract year, as evidenced by the Fiscal Officer's Certification of the Availability of said Funds also attached hereto.

IN WITNESS WHEREOF, the parties hereto have caused this AGREEMENT RENEWAL to be executed as evidenced by their signatures below:

FOR THE CITY/VILLAGE OF Bradner



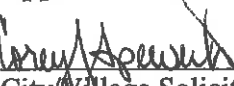
Witness

 11/5/2020

Signature Date

Tammy Krais, Mayor

Printed Name and Title

Approved as to Form:
 12/1/2020

City/Village Solicitor/Attorney Date

Corey I. Spewick

Print name/title Date

FOR PUBLIC DEFENDER COMMISSION OF WOOD COUNTY, OHIO:

Witness

Signature Date

Printed Name and Title

Approved as to Form:

Ohio Public Defender Approval




Paul A. Dobson Date
Wood County Prosecutor

Signature Date

Print Name/Authorized Official Title

**CERTIFICATION BY DEPARTMENT HEAD OF ESTIMATE
DUE UNDER AGREEMENT**

I, Kerstan Enriquez, am the Fiscal Officer for the City/Village of Bradner, Wood County, Ohio. The Agreement Renewal with the Wood County Public Defender's Office is for the benefit of the City/Village of Bradner. Pursuant to the provisions of R.C. § 5705.41(D)(3), paragraph 4, I estimate that the sum of \$100⁰⁰ is the total amount that will become due under this agreement for public defender services to represent indigent persons with City/Village of Bradner ordinance only charges. I hereby certify said sum to the Wood County Auditor for purposes of the Certificate of Availability of Funds for this Agreement under R.C. § 5705.41(D)(1).



Signature Date 11-11-2020

CERTIFICATION OF AVAILABILITY OF FUNDS

I, Kerstan Enriquez, the treasurer/clerk-treasurer of the City/Village of Bradner, Wood County, Ohio, hereby certify that the money to meet this Agreement has been lawfully appropriated for the purpose of this Agreement and is in the Treasury of 1000 (fund number) or is in the process of collection to the credit of the appropriate fund, free from prior encumbrance.



Signature Date 11/5/2020

Total Amount Not to Exceed: \$100⁰⁰