

## ORDINANCE 11-00

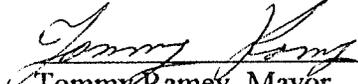
AN ORDINANCE AUTHORIZING THE MAYOR AND THE CLERK TO ENTER INTO AN AGREEMENT WITH THE MEDINA COUNTY COMMISSIONERS FOR PROVIDING LEGAL COUNSEL TO INDIGENT PERSONS WITH SERIOUS OFFENSES AND LOSS OF LIBERTY OFFENSES IN THE MEDINA MUNICIPAL COURT WHEN CHARGED WITH VIOLATION OF THE SPENCER VILLAGE CODE OF ORDINANCES AND TO DECLARE AN EMERGENCY

BE IT ORDAINED, by the Council of the Village of Spencer, Ohio, three-fourths of its members concurring herein, as follows:

Section 1. The Mayor and the Clerk are hereby authorized and directed to enter into an agreement with the Medina County Commissioners, a copy of said agreement being attached hereto and made a part hereof, for the purpose of providing counsel fees paid for the defense of indigent persons charged with a violation of the Spencer Village Code of Ordinance where legal counsel is a constitutional right of such indigent defendant.

Section 2. This ordinance is hereby declared to be an emergency measure necessary for the preservation of the public peace, health, safety and welfare of the Village of Spencer, Ohio and for the particular reason that the continued administration of justice in a constitutional way requires the appointment of legal counsel to guarantee the constitutional rights of certain indigent defendants, and the this ordinance shall take effect and be in full force from and after its passage.

PASSED: November 29, 2000

  
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Tommy Ramey, Mayor

ATTEST:

  
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Robin M. Coleman, Clerk

**REGULAR MEETING - MONDAY, DECEMBER 4, 2000**

The Board of County Commissioners of Medina County, Ohio met in regular session on this date with the following members present:

STEPHEN D. HAMBLEY

PATRICIA G. GEISSMAN

Mrs. Geissman offered the following resolution and moved the adoption of same, which was duly seconded by Mr. Hambley.

**RESOLUTION NO. 00-1092**

**RESOLUTION APPROVING AN AGREEMENT WITH THE  
VILLAGE OF SPENCER FOR THE PAYMENT OF  
ASSIGNED COUNSEL FEES FOR INDIGENT DEFENSE**

**WHEREAS**, pursuant to Ohio Revised Code section 120.33, a municipal corporation may contract with the Board of County Commissioners for payment of assigned counsel for indigents charged with violations of the ordinances of the municipal corporation, and

**WHEREAS**, an agreement with the Village of Spencer has been presented providing for the payment of assigned counsel fees for indigent defense.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of County Commissioners that this agreement with the Village of Spencer, which is attached hereto and marked "Exhibit A", providing for the payment of assigned counsel fees for indigent defense be approved.

Voting AYE thereon: Mr. Hambley and Mrs. Geissman

Adopted: December 4, 2000

Prepared by: Finance Department

## AGREEMENT

**THIS AGREEMENT** entered into between the Medina County Board of Commissioners, hereinafter called the "County", and the Village of Spencer, hereinafter called "Municipality";

**WHEREAS**, the Municipality recognizes its responsibilities under the laws of the State of Ohio and of the United States of America to provide legal counsel to indigent persons charged with offenses of the municipal ordinances of the Municipality, and

**WHEREAS**, the Municipality in furtherance of the execution of its legal responsibilities, desires that the legal services be delivered to the Municipality's indigent citizens and others so situated, and

**WHEREAS**, this Agreement has been authorized by Ordinance No. 11-00, passed by the Spencer Village Council on Nov. 29, 2000, and by Resolution No. 00-1092, approved by the Medina County Board of Commissioners on December 4, 2000.

**NOW, THEREFORE**, the parties do mutually agree to bind themselves as follows:

1. The Municipality shall reimburse the County for counsel fees paid for the defense of indigent persons charged with a violation of the Municipality's ordinances. Said sum shall be accounted for and billed by the County on a quarterly basis, and paid by the Municipality within thirty (30) days of billing.
2. The County shall credit the Municipality any reimbursement received from the Ohio Public Defender Commission pursuant to Chapter 120 of the Ohio Revised Code for any amounts expended pursuant to this Agreement.
3. Counsel appointed for representation in Municipal Court shall be paid according to the schedule promulgated by the County under Section 120.33 of the Ohio Revised Code.
4. The duration of this Agreement shall be for one (1) year commencing on the date of execution hereof. This Agreement shall automatically renew itself thereafter for like periods, unless thirty (30) days prior to the expiration of the term then running, either party serves written notice of its intention to terminate on the other party.
5. The County shall not assign all or any part of this Agreement without the prior written consent of the Municipality, which consent shall not be unreasonably withheld.
6. If either party shall fail to fulfill in a reasonable, timely, and proper manner its obligations under this agreement, or if either party shall substantially violate any of the covenants

7. All amendments to this Agreement agreed upon by the parties shall be duly authorized by legislative action, certified as such, and made a part of this Agreement.
8. There shall be no discrimination against any employee who is employed in the work covered by this Agreement or against any application for such employment because of race, color, religion, sex, or national origin. This provision shall apply to, but not be limited to, employment, upgrading, demotion or transfer, recruitment or recruitment advertising, lay-off or termination, raises of pay or other forms of compensation, and selection for training, including apprenticeship.
9. The parties hereto covenant that they presently have no interest and shall not acquire any interest, direct or indirect, which would conflict in any manner with the performance of services required under this Agreement.

IN WITNESS WHEREOF, the parties have hereunto set their hands this 4<sup>th</sup> day of DECEMBER, 2000.

**MEDINA COUNTY COMMISSIONERS:**

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Thomas R. Bahr, President

Stephen D. Hambley  
Stephen D. Hambley, Commissioner

Patricia G. Geissman  
Patricia G. Geissman, Commissioner

**WITNESSES:**

Carole J. Ferrel  
Pamela M. Verob

**VILLAGE OF SPENCER:**

Sammy Romo  
Mayor

**ATTEST:**

Robin M. Coleman  
Clerk