

1 ORDINANCE NO. 2020-371

2
3 SPONSOR Executive Shapiro and Councilman Dickinson

4
5 DATE November 23, 2020 COMMITTEE Rules

6
7 **An amended Ordinance amending Section 113.09 of the Codified Ordinances of the County**
8 **of Summit entitled “Fees For Legal Representation Of Indigent Defendants By Appointed**
9 **Private Counsel,” to update the fee schedule and guidelines for appointed counsel**
10 **reimbursement, for the Executive’s Department of Law and Risk Management, and**
11 **declaring an emergency.**

12
13 WHEREAS, Chapter 113.09 of the Codified Ordinances of the County of Summit,
14 entitled “Fees for Legal Representation of Indigent Defendants by Appointed Private Counsel,”
15 sets forth the hourly rates and maximum fees and the rules and regulations for payment to private
16 appointed counsel of fees for representing indigent defendants; and

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18 WHEREAS, the Ohio Public Defender Commission (“Commission”) reimburses counties
19 a portion of the cost incurred in providing such indigent defense based on the funding they are
20 given for this purpose by the Ohio General Assembly in each biennium budget; and

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22 WHEREAS, the Commission has told the County that it will reduce the reimbursement
23 the County receives for these services unless the County increases the hourly rate and maximum
24 fee caps; and

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26 WHEREAS, the County has proposed, and the Commission approved, a structured
27 schedule of rates and fee caps that is graduated based on the percentage of reimbursement to the
28 County that is built in to the Commission’s biennial budget; and

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30 WHEREAS, this structured schedule gives the County some budgetary protection from
31 uncontrolled expenses of providing representation to indigent defendants; and

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33 WHEREAS, this Council finds and determines, after reviewing all pertinent information,
34 that it is necessary and in the best interest of the County of Summit to amend Section 113.09 of
35 Codified Ordinances for the reasons set forth above;

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37 NOW, THEREFORE, BE IT RESOLVED by the Council of the County of Summit, State
38 of Ohio, that:

39
40 SECTION 1

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42 Effective January 1, 2021 Section 113.09 of the Codified Ordinances of the County of
43 Summit, entitled “Fees for Legal Representation of Indigent Defendants by Appointed Private
44 Counsel,” is hereby amended as set forth on Amended Exhibit A, attached hereto as Amended
45 Exhibit A and incorporated herein as if fully restated.

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47 SECTION 2

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49 This Ordinance is hereby declared an emergency in the interest of the health, safety, and
50 welfare of the residents of the County of Summit and for the further purpose of immediately
51 amending Section 113.09 in order to adopt a structured schedule of hourly rates and fee caps to
52 govern the payment of fees to private counsel appointed to represent indigent defendants.

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2 PAGE TWO

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4 SECTION 3

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6 Provided this Ordinance received the affirmative vote of eight members, it shall take
7 effect immediately upon its adoption and approval by the Executive; otherwise, it shall take
8 effect and be in force at the earliest time provided by law.


9
10 SECTION 4

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12 It is found and determined that all formal actions of this Council concerning and relating
13 to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all
14 deliberations of this Council and of any of its committees that resulted in such formal action,
15 were in meetings open to the public, in compliance with all legal requirements, including Section
16 121.22 of the Ohio Revised Code.

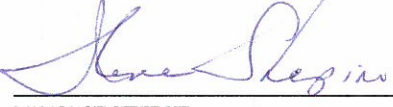
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19 INTRODUCED November 9, 2020

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21 ADOPTED November 23, 2020

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24 
25 _____
26 CLERK OF COUNCIL

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28 _____
29 PRESIDENT OF COUNCIL

30 APPROVED November 24, 2020

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32 
33 _____
34 EXECUTIVE

35 ENACTED EFFECTIVE November 24, 2020

Voice Vote: YES: 11-0 Dickinson, Donofrio, Feeman, Koehler,
McKenney, Prentice, Rodgers, Schmidt, Sims, Walters, Wilhite