

1 ORDINANCE NO. 2015-164

2  
3 SPONSOR Mr. Pry

4  
5 DATE April 27, 2015

6 COMMITTEE Rules

7 **An Ordinance amending Section 113.09 of the Codified Ordinances of the County of**  
8 **Summit to add language concerning fees for appointed private counsel for indigents in**  
9 **proceedings in the Juvenile and Domestic Relations Divisions of the County of Summit**  
10 **Court of Common Pleas and to make certain other changes, for the Executive, and**  
11 **declaring an emergency.**

12  
13 WHEREAS, County Council previously enacted Ordinance No. 2006-035, which  
14 approved and adopting Miscellaneous Order No. 325 issued by the County of Summit Court of  
15 Common Pleas, which, effective 2/1/06, sets revised maximum fees for appointed private  
16 counsel, and amending Section 113.08 of the Codified Ordinances of the County of Summit;  
17 now Section 113.09; entitled "Indigent Legal Representation Fees by Assigned Private Counsel,"  
18 to incorporate the order's revised maximum fees, effective 2/1/06; and

19  
20 WHEREAS, Section 113.09 does not include legal service fees and expenses for  
21 appointed private counsel representing indigent defendants in proceedings in the Juvenile  
22 Division, or in contempt proceedings in the Domestic Relations Division, of the County of  
23 Summit Court of Common Pleas; and

24  
25 WHEREAS, the Juvenile Division has through judicial order adopted the Local Rules of  
26 Practice and Procedure for the Court, including Rule 8, which provides for fees for  
27 representation of indigents by appointed private counsel in proceedings before the Court, both of  
28 which are attached to this Ordinance as Exhibit B; and

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30 WHEREAS, the Domestic Relations Division has through judicial order adopted the  
31 Amended Rules of Procedure and Practice for the Court, including Rule 13, which provides for  
32 fees for representation of indigents by appointed private counsel in contempt proceedings before  
33 the Court, both of which are attached to this Ordinance as Exhibit C; and

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35 WHEREAS, is necessary to amend Section 113.09 of the Codified Ordinances to add  
36 language concerning fees for appointed private counsel for indigents in said proceedings in the  
37 Juvenile and Domestic Relations Divisions and to make certain other changes, including, but not  
38 limited to, correctly designating the Stow Municipal Court as a judicial venue; and

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40 WHEREAS, this Council finds and determines, after reviewing all pertinent information,  
41 that it is necessary and in the best interest of the County of Summit to amend Section 113.09 for  
42 the aforementioned reasons;

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44 NOW, THEREFORE, BE IT ORDAINED by the Council of the County of Summit, State  
45 of Ohio, that;

46  
47 SECTION 1

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49 Section 113.09 of the Codified Ordinances of the County of Summit, entitled "Indigent  
50 Legal Representation Fees by Assigned Private Counsel," is hereby amended as set forth in  
51 Exhibit A, attached to this Ordinance and incorporated herein as if fully restated.  
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1 ORDINANCE NO. 2015-164

2 PAGE TWO

3  
4 SECTION 2

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6 This Ordinance is declared an emergency in the interest of the health, safety, and welfare  
7 of the citizens of the County of Summit, and for the further reason that it immediately makes  
8 necessary amendments to Section 113.09 of the Codified Ordinances to add language concerning  
9 fees for appointed private counsel for indigents in proceedings in the Juvenile and Domestic  
10 Relations Divisions of the County of Summit Court of Common Pleas and to make certain other  
11 changes.

12  
13 SECTION 3

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

18  
19 SECTION 4

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21 It is found and determined that all formal actions of this Council concerning and relating  
22 to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all  
23 deliberations of this Council and any of its committees that resulted in such formal action, were  
24 in meetings open to the public, in compliance with all legal requirements, including Section  
25 121.22 of the Ohio Revised Code.

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28 INTRODUCED April 13, 2015

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30 ADOPTED April 27, 2015

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35 CLERK OF COUNCIL

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PRESIDENT OF COUNCIL

APPROVED April 28, 2015

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41  
42 EXECUTIVE

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44 ENACTED EFFECTIVE April 28, 2015

Voice Vote: 10-0 YES: Comunale, Crawford, Donofrio, Feeman, Kostandaras, Kurt,  
Prentice, Rodgers, Schmidt, Shapiro  
ABSENT: Lee