

1 ORDINANCE NO. 2022-249

2
3 SPONSOR Executive Shapiro

4
5 DATE August 29, 2022

6
7 COMMITTEE Rules

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

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 a schedule of hourly rates and maximum fees and the rules and regulations for payment
16 to private appointed counsel of fees for representing indigent defendants; and

17
18 WHEREAS, the County, with the approval of the Ohio Public Defender Commission (the
19 “Commission”) and pursuant to Resolution Nos. 2020-371 and 2021-058, created a structured
20 schedule of rates and fee caps graduated based on the percentage of reimbursement to the County
21 that is built in to the Commission’s biennial budget; and

22
23 WHEREAS, the Supreme Court of Ohio rendered a decision, In re Adoption of Y.E.F.,
24 163 Ohio St.3d 521, 2020-Ohio-6785, in which it determined that indigent parents whose
25 parental rights are being terminated by an adoption, are entitled to counsel under the Equal
26 Protection Clauses of the Fourteenth Amendment to the United States Constitution and Article I,
27 Section 2 of the Ohio Constitution, and therefore authorization for fees for appointed counsel in
28 these cases must be added to the ordinance; and

29
30 WHEREAS, this structured schedule is not conducive to use in the on-line system
31 proposed by the Commission and therefore the Executive wishes to modify the structure to a
32 single hourly rate listing of fee caps as set forth on Exhibit A, a copy of which is attached hereto
33 and incorporated herein as if fully restated; and

34
35 WHEREAS, the Commission does not reimburse the County for any fee application
36 submitted more than 90 days after the termination of the case and the Fiscal Office has requested
37 that the time within which counsel must submit fee applications be reduced from 60 days to 45
38 days in order to enhance the probability that County will be reimbursed; 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 of
42 the Codified Ordinances of the County of Summit for the reasons set forth above;

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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

48
49 Effective September 1, 2022, Section 113.09 of the Codified Ordinances of the County of
50 Summit, entitled “Fees For Legal Representation Of Indigent Defendants By Appointed Private
51 Counsel,” is hereby amended as set forth on Exhibit A, a copy of which is attached hereto and
52 incorporated herein as if fully restated.

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2 PAGE TWO

3
4 SECTION 2

5
6 This Ordinance is hereby declared an emergency in the interest of the health, safety, and
7 welfare of the residents of the County of Summit and for the further purpose of immediately
8 amending Section 113.09 of the Codified Ordinances of the County of Summit in order to adopt
9 a structured schedule of hourly rates and fee caps to govern the payment of fees to private
10 counsel appointed to represent indigent defendants.

11
12 SECTION 3

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

17
18 SECTION 4

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

25
26
27 INTRODUCED August 15, 2022

28
29 ADOPTED August 29, 2022

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31 
32 CLERK OF COUNCIL


33 PRESIDENT OF COUNCIL

34
35 APPROVED August 30, 2022

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37 
38 EXECUTIVE

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41 ENACTED EFFECTIVE August 30, 2022

Voice Vote - YES: 11-0: Darrow, DeVitis, Dickinson, Donofrio, McKenney, Rodgers, Schmidt, Sims, Walters, Wiedie Higham, Wilhite