

1 RESOLUTION NO. 2023-116

First Reading Passage Requested
(Executive Shapiro)

2
3 SPONSOR Executive Shapiro and Council as a Whole

4
5 DATE April 24, 2023

COMMITTEE Committee as a Whole

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7 **A Resolution urging the General Assembly to amend Substitute Ohio House Bill 33 to restore**
8 **the governor’s proposed 90% funding level by restoring the \$48 million removed from the**
9 **Governor’s Budget recommendation and supporting a full 100% state reimbursement for**
10 **indigent defense and efforts to create a uniform and adequately funded statewide indigent**
11 **defense system, for the Executive and Council, and declaring an emergency.**

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13 WHEREAS, in Ohio, the responsibility to provide the constitutional right to a lawyer in a
14 criminal case, falls upon the State.

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16 WHEREAS, The current system places the burden on counties to operate the indigent
17 defense system, funding both public defenders and court appointed counsel and then hoping the
18 State will adequately reimburse these costs; and

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20 WHEREAS The State of Ohio provides a level of reimbursement to counties through an
21 appropriation in the state budget; and

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23 WHEREAS, historically the reimbursement rate has left the Counties shouldering the
24 majority of the cost, averaging just 37% from 1998 through June 30, 2019, resulting in a strain on
25 Summit County’s General Fund and below market fees paid to attorneys who participate in the
26 program; and

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28 WHEREAS, funding increases enacted by the DeWine-Husted Administration and the
29 General Assembly enacted in 2019 resulted in counties receiving reimbursement rates greater than
30 experienced in previous decades; and

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32 WHEREAS, unfortunately, these increases, while much appreciated, have not remedied
33 the continued funding challenges for indigent representation, as counties across the state begin to
34 pay attorneys the hourly rates requested by the Ohio Public Defender, the 90% reimbursement
35 from the State for FY2023 will no longer be provided to counties due to lack of sufficient
36 appropriation; and

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38 WHEREAS, Governor DeWine’s 2024-25 budget includes funding to keep counties at the
39 90% reimbursement level but the newly introduced Substitute House Bill 33 decreases funding for
40 reimbursement from the Governor’s Budget by \$48 million over the biennium; and

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42 WHEREAS, The Office of the Public Defender estimates that the level of funding in the
43 House Substitute Bill would provide about 78% reimbursement, leaving counties with a significant
44 financial burden for the State’s constitutionally mandated service; and

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46 WHEREAS, a statewide rise in traffic violations, misdemeanors and felonies, and attorney
47 costs leaves counties with no choice but to either expend more money from their general funds or
48 reduce attorney reimbursement rates; and

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50 WHEREAS, we urge the members of the General Assembly to amend Substitute Ohio
51 House Bill 33 to restore the governor’s proposed funding level and to additionally support a full
52 100% reimbursement for indigent defense; and

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4 WHEREAS, this Council finds and determines, after reviewing all pertinent information,
5 that it is necessary and in the best interest of the County to support a 100% indigent defense
6 reimbursement rate and oppose any decrease to the Governor's proposed rate of reimbursement.

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

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12 SECTION 1

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14 The Executive and this Council support the portion of the Governor's budget that includes
15 a 90% indigent defense reimbursement rate and request that the State Legislature amend Substitute
16 Ohio House Bill 33 to restore the \$48 million removed from the Governor's Budget
17 recommendation over the biennium.

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19 SECTION 2

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21 The Executive and this Council additionally support a full 100% state reimbursement for
22 indigent defense and efforts to create a uniform and adequately funded statewide indigent defense
23 system for the residents of Summit County and the State of Ohio.

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25 SECTION 3

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27 The Clerk of Council is hereby authorized and directed to forward a copy of this Resolution
28 to the Ohio Governor and Lieutenant Governor, the Ohio Speaker of the House, the Ohio Senate
29 President, and the Summit County delegation of the Ohio General Assembly.

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31 SECTION 4

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33 This Resolution is hereby declared an emergency in the interest of the health, safety and
34 welfare of the residents of the County of Summit and for the further reason to immediately
35 authorize any of the aforementioned settlements to occur in a timely fashion and in accordance
36 with applicable laws and rules governing such settlements.

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38 SECTION 5

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

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44 SECTION 6

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46 It is found and determined that all formal actions of this Council concerning and relating
47 to the adoption of this Resolution were adopted in an open meeting of this Council, and that all
48 deliberations of this Council and of any of its committees that resulted in such formal action, were
49 in meetings open to the public, in compliance with all legal requirements, including Section 121.22
50 of the Ohio Revised Code.

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INTRODUCED April 24, 2023

ADOPTED April 24, 2023

DocuSigned by:
Lauren Marsh
F8D2DB132BE041B
CLERK OF COUNCIL

DocuSigned by:
Vernica R Sim
2F89E22EC4AA4AA
PRESIDENT OF COUNCIL

APPROVED April 24, 2023

DocuSigned by:
Steve Shapiro
CB033E40D287473
EXECUTIVE

ENACTED EFFECTIVE April 25, 2023

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