

1 ORDINANCE NO. 2024-027

2

3 SPONSOR Executive Shapiro

4

5 DATE January 29, 2024

COMMITTEE Rules

6

7 **An Ordinance amending Section 113.09 of the Codified Ordinances of the County of**  
8 **Summit entitled “Fees For Legal Representation Of Indigent Defendants By Appointed**  
9 **Private Counsel,” to require fee applications to be filed via the Ohio Public Defender on-**  
10 **line system and to update fee schedules for appointed counsel, for the Executive’s**  
11 **Department of Law and Risk Management, and 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 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

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18 WHEREAS, the County has worked with the Ohio Public Defender (“OPD”) to bring the  
19 County’s fee application process into the OPD’s on-line fee application system also known as  
20 OPD On-line; and

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22 WHEREAS, effective March 1, 2024 the County will be on-boarded into the system  
23 which will fully automate the process of checking for errors, obtaining necessary documentation  
24 such as affidavits of indigency and receipts for expenses, obtaining all necessary signatures and  
25 providing data regarding amount to be paid to the Fiscal Office electronically; and

26

27 WHEREAS, use of the on-line system will dramatically stream-line the process of  
28 payment for counsel while ensuring for the Fiscal Office that the amounts to be paid are correct  
29 and all other necessary documentation has been obtained and will obviate the need for the Fiscal  
30 Office to send boxes of paper fee applications to the OPD each month and therefore appointed  
31 counsel will be required by this rule to submit their fee applications through OPD On-line; and

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33 WHEREAS, to ensure compliance with the Ohio Public Defender Commission rules, the  
34 Executive has determined that it is also necessary to update the fee schedule in this rule to match  
35 the fee schedule approved by the Ohio Public Defender Commission and those fees are set forth  
36 in Exhibit A attached hereto; and

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38 WHEREAS, the use of the on-line system should also ensure that fee applications are  
39 processed timely so as to enhance the likelihood of reimbursement of those fees by the State to  
40 the County; and

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

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46 NOW, THEREFORE, BE IT ORDAINED by the Council of the County of Summit, State  
47 of Ohio, that:

48

49 SECTION 1

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51 Effective March 1, 2024, Section 113.09 of the Codified Ordinances of the County of  
52 Summit, entitled “Fees For Legal Representation Of Indigent Defendants By Appointed Private

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2 PAGE TWO

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4 SECTION 1 (CONT.)

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6 Counsel,” is hereby amended as set forth on Exhibit A, a copy of which is attached hereto and  
7 incorporated herein as if fully restated.

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9 SECTION 2

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11 This Ordinance is hereby declared an emergency in the interest of the health, safety, and  
12 welfare of the residents of the County of Summit and for the further purpose of immediately  
13 amending Section 113.09 of the Codified Ordinances of the County of Summit in order to  
14 require the use of the Ohio Public Defender on-line system to process the payment of fees to  
15 private counsel appointed to represent indigent defendants.

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17 SECTION 3

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

22

23 SECTION 4

24

25 It is found and determined that all formal actions of this Council concerning and relating  
26 to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all  
27 deliberations of this Council and of any of its committees that resulted in such formal action,  
28 were in meetings open to the public, in compliance with all legal requirements, including Section  
29 121.22 of the Ohio Revised Code.

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32 INTRODUCED January 29, 2024

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34 ADOPTED February 12, 2024

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36 DocuSigned by:  
  
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38 CLERK OF COUNCIL

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40 APPROVED February 12, 2024

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42 DocuSigned by:  
  
43 \_\_\_\_\_  
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44 EXECUTIVE

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46 ENACTED EFFECTIVE February 13, 2024

DocuSigned by:  
  
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PRESIDENT OF COUNCIL

Voice Vote – YES: 9 – 0: Darrow,  
Dickinson, Donofrio, McKenney,  
Rodgers, Schmidt, Walters, Wiedie  
Higham, Wilhite  
Absent: DeVitis