

RESOLUTION NO. R-2010-51

A RESOLUTION AUTHORIZING A CONTRACT WITH THE PORTAGE COUNTY PUBLIC DEFENDER FOR DEFENSE OF INDIGENT PERSONS CHARGED WITH CRIMINAL OFFENSES UNDER THE VILLAGE ORDINANCES AND DECLARING AN EMERGENCY.

Whereas, the Village recognizes its responsibilities under the laws of the State of Ohio and of the United States of America to provide legal counsel to indigent persons charged with potential loss of liberty offenses under its municipal ordinances; and

Whereas, the Village, in furtherance of the execution of its legal responsibilities, desires to contract with the Portage County Public Defender Commission for delivery of legal services and representation by the Portage County Public Defender to the Village's indigent citizens and others so situated; and

Whereas, the current agreement with the Portage County Public Defender will expire of its own terms on December 31, 2010.

NOW, THEREFORE, BE IT ORDAINED, by the Council of the Village of Windham, Portage County, Ohio, Two thirds or more of the members thereto concurring that:

SECTION 1: The Mayor and the Fiscal Officer are authorized on behalf of the Village to execute a contract with the Portage County Public Defender Commission for the representation of indigent persons charged under Windham Village ordinances for and during the calendar year 2011. The approved Agreement is attached hereto as Exhibit "A".

SECTION 2: This Resolution is hereby declared to be an emergency measure necessary to preserve the public health, safety, morals and general welfare of the inhabitants of the Village and for the further reason that it is essential that the Village have a new agreement in place with the Potage County Public Defender on January 1, 2011, and for this reason this Resolution shall go into full force and effect immediately upon its passage by two-thirds (2/3's) of the members of Council.

SECTION 3: It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council and that the deliberations of the Council and any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements including Section 121.22 of the Revised Code of the State of Ohio.

PASSED IN COUNCIL

First Reading: November 23, 2010

Second Reading and emergency passage: December 28, 2010

Vote of Council: Ayes: Mr. Garrett, Mrs. Barrett, Mrs. Rininger, Mrs. Meszaros, Mrs. Miranda, Mr.

Snyder. Nays: None.

ATTEST:

APPROVED:

Lloyd Billman, Fiscal Officer

Mayor, Robert Donham II

Approved as to Form:

Thomas Reitz, Solicitor