

Ordinance No. 1453-2025

By Council Member Griffin
(by departmental request)

AN EMERGENCY ORDINANCE

Authorizing the Director of Finance, on behalf of the Cleveland Municipal Court, to enter into one or more contracts with the Cuyahoga County Public Defender Commission for legal services necessary to defend indigent defendants charged with violation of ordinances of the City of Cleveland that may result in incarceration, for the Cleveland Municipal Court for a period of one year, with one option to renew for an additional consecutive year, exercisable by the Director of Finance.

WHEREAS, in Argersinger v. Hamlin and Scott v. Illinois, the United States Supreme Court held that no indigent criminal defendant may be sentenced to a term of imprisonment unless he or she has been afforded the right to assistance of counsel in their defense; and

WHEREAS, the Cleveland Municipal Court, through the City of Cleveland, is obligated to provide legal counsel for an indigent person charged with violation of City ordinances with the possibility of a sentence that includes incarceration; and

WHEREAS, under Section 120.14 of the Revised Code, a county public defender commission may contract with any municipal corporation within the county served by the county public defender to provide legal representation on behalf of the municipal corporation; and

WHEREAS, the Cleveland Municipal Court, of which jurisdiction encompasses the Village of Bratenahl and the City of Cleveland, recommends that the Cuyahoga County Public Defender Commission should provide legal counsel and a defense to indigent criminal defendants; and

WHEREAS, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CLEVELAND:

Section 1. That the Director of Finance, on behalf of the Cleveland Municipal Court, is authorized to enter into one or more contracts with the Cuyahoga County Public Defender Commission for legal services necessary to defend indigent defendants charged with violations of ordinances of the City of Cleveland that subject them to incarceration, for a period of one (1) year beginning January 1, 2026, at an estimated

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cost of \$2,718,622, with one (1) option to renew exercisable by the Director of Finance for an additional consecutive one-year term, at an estimated cost of \$2,772,995.

Section 2. The State will reimburse the City up to eighty-two percent (82%) of the total cost in which the City has provided such legal services for indigent defense representation.

Section 3. That the costs of the contract shall be paid from Fund No. 01-0115-6320. (RQS 0115, RLA 2025-124).

Section 4. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

KR:uo
11-17-25

FOR: Michael Negray, Court Administrator

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READ FIRST TIME on NOVEMBER 17, 2025

and referred to DIRECTORS of Finance, Law;

COMMITTEE on Finance Diversity Equity and Inclusion

REPORTS

CITY CLERK

READ SECOND TIME

CITY CLERK

READ THIRD TIME

PRESIDENT

CITY CLERK

APPROVED

MAYOR

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REPORT after second Reading

**PASSAGE RECOMMENDED BY
COMMITTEE ON
FINANCE, DIVERSITY, EQUITY
and INCLUSION**

FILED WITH COMMITTEE