

RESOLUTION APPROVING A MEMORANDUM OF UNDERSTANDING (MOU) BY AND BETWEEN THE ASHTABULA COUNTY PUBLIC DEFENDER, INC. AND ASHTABULA COUNTY BOARD OF COMMISSIONERS

WHEREAS, the Ashtabula County Public Defender, Inc. (Public Defender, Inc.) is a non-profit corporation previously representing indigent defendants and is in the process of voluntary dissolution of the Corporation; and

WHEREAS, the Ashtabula County Board of Commissioners has created the Ashtabula County Public Defender as an office of the Ashtabula County Government; and

WHEREAS, Public Defender, Inc. as part of the process of voluntary dissolution, is required to distribute funds remaining in its account only to non-profit entities and finds it in their best interest to distribute the funds directly to the Ashtabula County Public Defender Agency as part of Ashtabula County Government; and

WHEREAS, Public Defender, Inc. desires to make such a formal commitment to Ashtabula County Government on the following conditions:

1. The sum of Fifty Thousand Dollars (\$50,000.00) shall be paid by the Public Defender, Inc. to the Commissioners solely for the benefit of The Ashtabula County Public Defender agency. Said funds are to be placed into a separate line item account or trust account created by Commissioners for the sole use of Ashtabula County Public Defender agency.
2. Said funds shall be utilized exclusively by the Ashtabula County Public Defender. The funds shall be utilized exclusively for the purposes of litigation support, expert witness fees, extraordinary litigation expenses, client support and transportation, and for office facilities and supporting technology.
3. It is understood and agreed by Commissioners that the Agency's budget will not be reduced because of the aforesaid funds being paid directly to the Agency.
4. This MOU may only be modified or amended by mutual agreement of the parties.

THEREFORE, BE IT RESOLVED, By the Board of Commissioners of Ashtabula County, Ohio that the Memorandum of Understanding as noted above is approved in accordance with the copy of said Memorandum now on file in this office.

**ASHTABULA COUNTY COMMISSIONERS
CERTIFICATION PAGE**

Resolution No. 2023-199

March 28, 2023

**RESOLUTION APPROVING A MEMORANDUM OF UNDERSTANDING (MOU) BY
AND BETWEEN THE ASHTABULA COUNTY PUBLIC DEFENDER, INC. AND
ASHTABULA COUNTY BOARD OF COMMISSIONERS**

Upon the motion of Kathryn L. Whittington, seconded by J.P. Ducro IV.

VOTE:

**Casey R. Kozlowski
Kathryn L. Whittington
J.P. Ducro IV**

**Aye
Aye
Aye**

CERTIFICATE OF CLERK

IT IS HEREBY CERTIFIED that the foregoing is a true and correct transcript of a resolution acted upon and duly passed by the Board of County Commissioners of Ashtabula County, Ohio, on the date noted above.



Lisa Hawkins, Clerk of the Board
Board of County Commissioners
Ashtabula County, Ohio

MEMORANDUM OF UNDERSTANDING

This Memorandum of Understanding (MOU) is made and entered into by and between the Ashtabula County Public Defender, Inc. (Public Defender, Inc.) and the Ashtabula County Board of Commissioners (Commissioners), executed this 28th day of March, 2023.

WHEREAS, Public Defender, Inc. is a non-profit corporation previously representing indigent defendants and is in the process of voluntary dissolution of the Corporation; and

WHEREAS, Commissioners have created The Ashtabula County Public Defender as an office of the Ashtabula County Government located at 22 East Jefferson St., Jefferson, Ohio; and

WHEREAS, Public Defender, Inc., as part of the process of voluntary dissolution, is required to distribute funds remaining in its account only to non-profit entities; and

WHEREAS, Public Defender, Inc. has determined it is in their best interest to distribute the sum of Fifty Thousand Dollars (\$50,000.00) directly to The Ashtabula County Public Defender agency as part of Ashtabula County Government and on the following conditions:

1. The sum of Fifty Thousand Dollars (\$50,000.00) shall be paid by the Public Defender, Inc. to the Commissioners solely for the benefit of The Ashtabula County Public Defender agency. Said funds are to be placed into a separate line item account or trust account created by Commissioners for the sole use of Ashtabula County Public Defender agency.

2. Said funds shall be utilized exclusively by the Ashtabula County Public Defender. The funds shall be utilized exclusively for the purposes of litigation support, expert witness fees, extraordinary litigation expenses, client support and transportation, and for office facilities and supporting technology.

3. It is understood and agreed by Commissioners that the Agency's budget will not be reduced because of the aforesaid funds being paid directly to the Agency.

4. This MOU may only be modified or amended by mutual agreement of the parties.

IN WITNESS WHEREOF, the Parties hereto have caused this MOU to be executed the date and year first above written.

COMMISSIONERS:



Casey R. Kozlowski, President



Kathryn L. Whittington, Vice President



J.P. Ducro IV, Commissioner

ASHTABULA COUNTY PUBLIC DEFENDER, INC.



Charles Lafferty, President



David McCombs, Vice President

Approved as to legal form:



Gary L. Pasqualone,
Attorney for Ashtabula County Public Defender, Inc.