

RESOLUTION NO. 2023-07
A RESOLUTION AUTHORIZING THE CITY OF NORTH AUGUSTA TO
ENTER INTO A CONTRACT WITH THE AIKEN COUNTY PUBLIC
DEFENDERS' OFFICE FOR THE PROVISION OF REPRESENTATION OF
INDIGENT DEFENDANT IN THE MUNICIPAL COURT FOR THE CITY OF
NORTH AUGUSTA

WHEREAS, as a result of changes by the South Carolina Legislature, as part of the 2016 budget process, a proviso was placed within the budget that directed that the Public Defenders' Offices could not provide representation to indigent Defendants and the Municipal Courts of this State unless the City where the Municipal Court is held, enters into a Contract for Services with the Public Defenders' Office; and,

WHEREAS, as a result of such change, the City entered into a contract for the first six (6) months of 2016 with the Public Defenders' Office for the provision of services; and,

WHEREAS, the General Assembly has not made any changes to this requirement; and,

WHEREAS, the original six (6) month contract has expired; and,

WHEREAS, it is necessary that the City make arrangements for the continued provision of indigent defense in the Municipal Court; and,

WHEREAS, the City Council has determined that it would be appropriate to enter into a three (3) year contract with the Public Defenders' Office under the updated terms and conditions attached hereto.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of North Augusta, South Carolina that the contract attached hereto, marked as "Exhibit A" and incorporated by reference, with the Aiken County Public Defender's Office is hereby authorized.

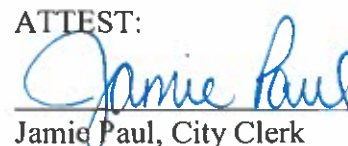
BE IT FURTHER RESOLVED that the funding source for the cost related to this contract shall be the Justice and Law Division of the General Fund.

BE IT FURTHER RESOLVED that the City Administrator is authorized to execute any documents necessary for the finalization of this matter.

DONE, RATIFIED AND ADOPTED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH AUGUSTA, SOUTH CAROLINA, ON THIS 6th DAY OF FEBRUARY, 2023.



Briton S. Williams, Mayor

ATTEST:


Jamie Paul, City Clerk

EXHIBIT A

AGREEMENT FOR SERVICES

THIS AGREEMENT FOR SERVICES (the "Agreement"), is entered into between the CITY OF NORTH AUGUSTA (the "City") and the PUBLIC DEFENDER OF THE SECOND JUDICIAL CIRCUIT (the "Public Defender"), and those parties hereby agree to the following terms in consideration of the mutual benefits and promises to each party set forth hereinafter.

1. TERM OF AGREEMENT

The initial term of this Agreement shall commence on January 1, 2023, and shall expire on December 31, 2025, unless the parties mutually agree in writing to an extension of the term of this Agreement.

2. DELIVERY OF SERVICES

The Public Defender shall provide legal representation to indigent defendants in the City's Municipal Court who apply for and are found qualified to receive such services by the Aiken County Bond Court under the applicable laws and rules of court of the State of South Carolina after screening by the Aiken County Bond Court and the Public Defender to assess the applicant's qualifications for such services. The City's Municipal Court shall be provided a copy of each order appointing counsel to a defendant in the City's Municipal Court. The Public Defender and Judge of the City's Municipal Court shall consult with each other as needed to discuss how the appointment process might be improved or how to address concerns about appointments in specific cases.

3. BILLING AND PAYMENT

The Public Defender shall be compensated on a flat rate basis of Fourteen Thousand Five Hundred Twenty and No/100 Dollars (\$14,520.00) per year. This amount shall be paid in two (2) equal installments of Seven Thousand, Two Hundred and Sixty Dollars (\$7,260.00) at the end of each six-months (June 30 and December 31). **Payments shall be made payable to Aiken County Government and mailed to: P.O. Drawer 2247, Aiken, SC 29802; Attn: Roxana Sirk.** The Public Defender shall report all payments received under this Agreement to the Aiken County Finance Department.

EXHIBIT A

4. COORDINATION OF SERVICES

The person responsible for coordinating the services under this Agreement for the Public Defender is:

Name: Grant Gibbons
Title: Circuit Defender for 2nd Judicial Circuit
Phone: 803-642-1732
Email: ggibbons@aikenpd.com

The person responsible for coordinating the services under this Agreement for the City is:

Name: Donna Costello
Title: North Augusta Public Safety
Administrative Assistant
Phone: 803-441-4251
Email: DCostello@northaugusta.net

5. INSURANCE

At all times during every term of this Agreement, the Public Defender will be responsible for providing insurance coverages for its employees or agents providing the services that are the subject of this Agreement.

6. AMENDMENTS

This Agreement shall not be amended, altered, or changed except by a written agreement signed by both parties.

IN WITNESS WHEREOF, each party to this Agreement has caused it to be executed on its behalf by its authorized representative as of the date entered in the first paragraph on page 1 hereof.

Public Defender of the Second
Judicial Circuit

City of North Augusta, South
Carolina

By: 

Name: Grant Gibbons

Title: Circuit Defender

Date: _____

By: 

Name: James Clifford

Title: City Administrator

Date: 2/6/23