

RESOLUTION NO. 90-2

A RESOLUTION OF THE CITY OF WATHENA RELATING TO FEES AND REIMBURSEMENTS TO BE PAID BY THE CITY OF WATHENA TO ATTORNEYS APPOINTED BY THE MUNICIPAL COURT OF THE SAID CITY TO REPRESENT INDIGENT ACCUSED PERSONS AND PROVIDING FOR A PROCEDURE TO DETERMINE SUCH INDIGENCY.

WHEREAS, the Municipal Court of the City of Wathena appoints legal counsel for indigents when the penalty for the complaint filed in such Court provides for a jail sentence upon conviction thereof; and,

WHEREAS, there are no current guidelines setting forth the procedure for establishing and determining indigency or related to attorney fees and reimbursements charged by legal counsel appointed by the Municipal Court; and,

WHEREAS, it is in the best interests of the City to set forth guidelines for attorney fees and reimbursements for Municipal Court appointments and to provide a uniform procedure for Accused Persons seeking appointed legal counsel to establish their indigency in order to be entitled to appointed legal counsel:

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF WATHENA:

1. From and after the date of the adoption of this Resolution, the established rate per hour for legal counsel appointed by the Municipal Court of the City of Wathena to represent indigent Accused Persons shall be \$30.00 per hour, in addition to the right of reimbursement for reasonable expenses related to such representation.

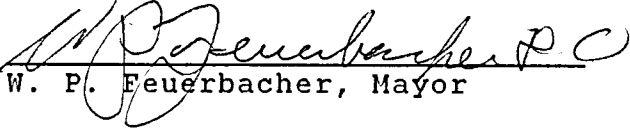
2. The sum of \$250.00 shall be the maximum amount to which any attorney appointed to represent an Accused Person named in a complaint, or related complaints based on a common occurrence or series of occurrences, shall be entitled for attorney fees and expenses PROVIDED, HOWEVER, that such maximum amount of \$250.00 may be increased in cases where the Municipal Judge in his discretion finds that because of exceptional circumstances the maximum amount of \$250.00 should be increased.

3. Any person seeking appointed legal counsel in the Municipal Court of the City of Wathena must show proof of his or her indigency to the satisfaction of the Municipal Judge by

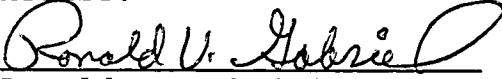
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providing evidence of such person's financial status by filling in the information on a form in substantial conformity of the sheet attached hereto marked "Exhibit 1".

ADOPTED and APPROVED on the 6th day of February, 1990.


W. P. Feuerbacher, Mayor

ATTEST:


Ronald V. Gabriel,
City Clerk