

south euclid

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REMINDER

CITY COUNCIL

NOTICE OF MEETING

Jane Goodman
President
Dennis Fiorelli
Marty Gelfand
Ruth Gray
Edward A. Icové
Modestino Romeo
Jason Russell

MEETING OF: **COMMITTEE OF THE WHOLE**
CALLED BY: JANE GOODMAN, PRESIDENT
DATE: **JANUARY 25, 2016**
LOCATION: COMMITTEE/JURY ROOM
TIME: 6:00 P.M.
RE: RES. 45-15: SOUTH EUCLID
MUNICIPAL COURT

COMMITTEE/COUNCIL MEMBERS:

DENNIS FIORELLI
MARTY GELFAND
RUTH GRAY
EDWARD ICOVE
MOE ROMEO
JASON RUSSELL

ADMINISTRATION:

MICHAEL LOGRASSO, LAW DIRECTOR
KEVIN NIETERT, POLICE CHIEF
PAUL KOWALCZYK, BUILDING COMMISSIONER
SALLY MARTIN, HOUSING MANAGER

CITY OF SOUTH EUCLID, OHIO

RESOLUTION NO.: 45-15
INTRODUCED BY: Miller
REQUESTED BY: Miller & Romeo

November 23, 2015
Second Reading: December 14, 2015

A RESOLUTION

REQUESTING THE OHIO STATE LEGISLATURE INTRODUCE AND PASS LEGISLATION TO MERGE THE SOUTH EUCLID MUNICIPAL COURT WITH A NEIGHBORING MUNICIPAL COURT AND REQUESTING THE OHIO SUPREME COURT TO ASSIST WITH SAID MERGER.

WHEREAS, the Council of the City of South Euclid is responsible for managing the financial resources of the City in the manner that best serves the residents of South Euclid while providing a fair and efficient system to adjudicate the enforcement of local laws and legal disputes; and

WHEREAS, between 1970 and 2010, the population of the City of South Euclid has decreased by over 7,000 residents, and was estimated to fall below 22,000 residents in 2014; and

WHEREAS, the financial records of the City and the South Euclid Municipal Court indicate that, since 2012, the City has expended an average of approximately \$57,000 per annum from the General Fund in order to supplement the operating expenses of the Court; and

WHEREAS, the financial records of the City of South Euclid are also impacted by the expenses related to the almost \$37,000 expended since 2012 to the Unemployment Bureau to pay for former South Euclid Municipal Court employees; and

WHEREAS, the City's average annual expenditures for the South Euclid Municipal Court operations over the past three years reflect an increase of 21% over the previous 5 year average although the number of the cases filed in criminal, traffic or civil matters in the South Euclid Municipal Court has not increased over the years; and

WHEREAS, the financial records of the City and the South Euclid Municipal Court indicate that average amount of fines collected on an annual basis by the South Euclid Municipal Court have decreased approximately 3% per annum since 2011; and

WHEREAS, one of the constitutional rights afforded to citizens is the right to a speedy trial, and with it comes the expectation of an expeditious resolution; and

WHEREAS, the Ohio Supreme Court's 2014 Annual Report indicates that the South Euclid Municipal Court's Overall Caseload Clearance Rate of 88%, its Eviction Clearance Rate of 73%, its OVI Clearance Rate of 78%, and General Traffic Clearance Rate of 92% are all ranked the second-lowest in the State, and its Criminal Misdemeanor Clearance Rate of 82% is the lowest in the State of Ohio; and

WHEREAS, from 2009 through the projected end of 2015, the City of South Euclid has aggregated losses of approximately \$5,441,961 in real and personal property tax revenue; and

WHEREAS, based upon revenues derived from 2009 through the projected end of 2015, the City of South Euclid will lose approximately \$146,000 per annum in commercial activity tax revenue, which has been abolished by the Ohio Legislature; and

WHEREAS, based upon revenues derived from 2009 through the end of 2014, the City of South Euclid will lose approximately \$350,000 per annum in inheritance taxes, which has been abolished by the Ohio Legislature; and

WHEREAS, based upon revenues derived from 2009 through the projected end of 2015, the City of South Euclid has lost approximately \$650,000 per annum in Local Government Revenue Assistance from County and State sources due to enactment of budget reforms by the Ohio Legislature; and

WHEREAS, the City of South Euclid has long been a proponent of and participant in regionalization of services, including South Euclid-Lyndhurst Recreation (SELREC,) Northeast Ohio Risk Management Association (NORMA,) Eastside Departments Group Enforcement SWAT team (EDGE,) Northeast Ohio Public energy Council (NOPEC) and many other partnerships; and

WHEREAS, in 2012 the City of South Euclid authored a successful grant application to look at the regional consolidation of our emergency dispatch center with neighboring communities. In 2016 the City expects the regionalization of the emergency dispatch center to commence operations; and

WHEREAS, these collaborations have proven to be both financially and operationally advantageous to the City and its residents and stakeholders; and

WHEREAS, the Council of the City of South Euclid recognizes the benefits of regionalization and the sharing of limited public resources; and

WHEREAS, due to continued and ongoing budgetary concerns, and out of concern for fair and efficient adjudication of cases, it would be fiscally and operationally prudent to eliminate the South Euclid Municipal Court and merge it with a neighboring municipal court, in order to maximize fiscal and personnel resources and benefit the citizens of South Euclid who have cases to be heard in civil, traffic, and criminal matters.

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of South Euclid requests that the Ohio State Legislature introduce legislation to merge the South Euclid Municipal court with a neighboring municipal court and requesting the Supreme Court of the State of Ohio assist in this process and that the merging of the South Euclid Municipal Court with a neighboring municipal court commence at the end of the South Euclid Municipal Court Judge's current term in office.

Section 1: That the City of South Euclid will appropriate the necessary funds for the study of the feasibility of such a merger, and for the process of carrying out such procedures as are necessary to complete said merger.

Section 2: That the Council of the City of South Euclid hereby requests that the Clerk of Council forward a certified copy of this Resolution to the Speaker of the Ohio House of Representatives, the Ohio Senate President, State Senator Kenny Yuko, State Representative Kent Smith and Ohio Supreme Court Chief Justice Maureen O'Connor.

Section 3: That it is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Resolution were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees on or after November 25, 1975, 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 Ohio Revised Code.

Section 4: Wherefore, this Resolution shall take effect and be in force from and after the earliest period allowed by law and upon signature of the Mayor.

Passed this _____ day of _____, 2015 2016.

Jane Goodman, President of Council

Attest:

Approved:

Keith A. Benjamin, Clerk of Council

Georgine Welo, Mayor

Approved as to form:

Michael P. Lograsso, Director of Law