

1 ORDINANCE NO. 2014-379

2
3 SPONSOR Mr. Pry and Council of the Whole

4
5 DATE September 8, 2014 COMMITTEE Rules

6
7 **An Ordinance enacting new Chapter 756 of the Codified Ordinances of the County of**
8 **Summit, entitled "Unclaimed Funds," to regulate agreements to recover unclaimed funds**
9 **received or collected under Section 9.39 or Sections 2335.34 through 2335.36 of the Ohio**
10 **Revised Code and held by the County Fiscal Office and to provide the County Prosecutor's**
11 **Child Support Enforcement Agency with information to enable it to identify owners of**
12 **unclaimed funds who are in default under support orders administered by the Agency, for**
13 **the County Fiscal Office, and declaring an emergency.**

14
15 WHEREAS, pursuant to Section 169.13 of the Ohio Revised Code, the Ohio Department
16 of Commerce regulates agreements to pay a fee, compensation, commission or other
17 remuneration to locate, deliver, recover or assist in the recovery of unclaimed funds reported
18 under Section 169.03 of the Ohio Revised Code; and

19
20 WHEREAS, Section 169.13 imposes express requirements and restrictions on such
21 agreements; and

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23 WHEREAS, the County Fiscal Officer has recognized that there is no similar regulation
24 of unclaimed funds received or collected under Section 9.39 or Sections 2335.34 through
25 2335.36 of the Ohio Revised Code and held by the County Fiscal Office; and

26
27 WHEREAS, Section 169.08 of the Ohio Revised Code sets forth a procedure for the
28 payment of unclaimed funds to an owner, and includes a provision that any person claiming a
29 property interest in unclaimed funds delivered or reported to the state under Chapter 169 of the
30 Ohio Revised Code, including the Office of Child Support in the Department of Job and Family
31 Services, pursuant to Section 3123.88 of the Ohio Revised Code, may file a claim in the form
32 prescribed by the Director of the Ohio Department of Commerce; and

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34 WHEREAS, the Fiscal Officer recognizes that a formal procedure should be established
35 at the County level to provide the County Prosecutor's Child Support Enforcement Agency with
36 information to enable it to identify owners of unclaimed funds who are in default under support
37 orders administered by the Agency; and

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39 WHEREAS, this Council finds and determines, after reviewing all pertinent information,
40 that it is necessary and in the best interest of the County of Summit to enact a new Chapter 756
41 of the Codified Ordinances of the County of Summit, entitled "Unclaimed Funds," to regulate
42 agreements to recover unclaimed funds received or collected under Section 9.39 or Sections
43 2335.34 through 2335.36 of the Ohio Revised Code and held by the Fiscal Office and to provide
44 the Prosecutor's Child Support Enforcement Agency with information to enable it to identify
45 owners of unclaimed funds who are in default under support orders administered by the Agency;

46
47 NOW, THEREFORE, BE IT ORDAINED by the Council of the County of Summit, State
48 of Ohio, that;

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1 ORDINANCE NO. 2014-379

2 PAGE TWO

3
4 SECTION 1

5
6 Chapter 756 of the Codified Ordinances of the County of Summit, entitled "Unclaimed
7 Funds," attached to this Ordinance as Exhibit A and incorporated herein as if fully restated, is
8 hereby enacted.

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10 SECTION 2

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12 This Ordinance is declared an emergency in the interest of the health, safety, and welfare
13 of the citizens of the County of Summit, and for the further reason that it immediately enacts new
14 Chapter 756 of the Codified Ordinances to regulate agreements to recover unclaimed funds held
15 by the County Fiscal Office and to establish a procedure to provide necessary information to the
16 County Prosecutor's Child Support Enforcement Agency concerning owners of unclaimed funds
17 in default under support orders administered by the Agency.

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19 SECTION 3

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21 Provided this Ordinance receives the affirmative vote of eight members, it shall take
22 effect immediately upon its adoption and approval by the Executive; otherwise, it shall take
23 effect and be in force at the earliest time provided by law.

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25 SECTION 4

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27 It is found and determined that all formal actions of this Council concerning and relating
28 to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all
29 deliberations of this Council and any of its committees that resulted in such formal action, were
30 in meetings open to the public, in compliance with all legal requirements, including Section
31 121.22 of the Ohio Revised Code.

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34 INTRODUCED August 18, 2014

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36 ADOPTED September 8, 2014

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40 CLERK OF COUNCIL

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42 APPROVED September 9, 2014

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46 EXECUTIVE

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48 ENACTED EFFECTIVE September 9, 2014

Voice Vote: 11-0 YES: Comunale, Crawford, Feeman, Kostandaras
Kurt, Lee, Prentice, Rodgers, Roemer, Schmidt, Shapiro