

RESOLUTION NO. 2009-347

SPONSOR Mr. Pry

DATE September 28, 2009

COMMITTEE Public Safety

A Resolution setting the mileage reimbursement rate for witnesses in civil cases in the County court system pursuant to Section 2335.06 of the Ohio Revised Code, for the Clerk of Courts, and declaring an emergency.

WHEREAS, Sections 2335.06 and 2335.08 of the Ohio Revised Code ("ORC") provides that witnesses in civil and criminal cases may be reimbursed for their travel expenses through a mileage reimbursement rate for every mile necessarily traveled to and from the person's residence to proceedings at which the person may be called to give testimony; and

WHEREAS, in the County of Summit court system, the current reimbursement rate is 10 cents per mile, the rate in effect prior to July 1, 2009; and

WHEREAS, ORC §2335.06, as revised effective July 1, 2009 by Ohio Substitute House Bill 525, requires a board of county commissioners to set the reimbursement rate, not to exceed 50.5 cents for each mile necessarily traveled by a witness in a civil case in the common pleas court, any division of the common pleas court, a county court or a county-operated municipal court; and

WHEREAS, the County of Summit Clerk of Courts recommends that the mileage reimbursement rate should remain at 10 cents per mile; and

WHEREAS, this Council has determined by reviewing all pertinent information that it is necessary and in the best interest of the County of Summit to accept the recommendation of the Clerk of Courts and set the mileage reimbursement rate for witnesses in civil cases in the County court system at 10 cents per mile;

NOW, THEREFORE, BE IT RESOLVED by the Council of the County of Summit, State of Ohio, that:

SECTION 1

This Council accepts the recommendation of the County of Summit Clerk of Courts Daniel M. Horrigan and pursuant to Section 2335.06 of the Ohio Revised Code, hereby sets a mileage reimbursement rate of 10 cents for each mile necessarily traveled by a witness to and from the person's residence to proceedings at which the person may be called to give testimony in a civil case in the Court of Common Pleas, General Division or in the Domestic Relations, Juvenile or Probate Divisions of the Court of Common Pleas in the County of Summit.

SECTION 2

This Resolution is hereby declared an emergency in the interest of the health, safety and welfare of the citizens of the County of Summit and for the further reason that it is necessary in order for the County to set a mileage reimbursement rate of 10 cents per mile for witnesses in civil cases pursuant to Section 2335.06 of the Ohio Revised Code.

SECTION 3


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

SECTION 4

It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Resolution were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees 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.

INTRODUCED September 14, 2009

ADOPTED September 28, 2009



CLERK OF COUNCIL



PRESIDENT OF COUNCIL

APPROVED September 28, 2009



EXECUTIVE

ENACTED EFFECTIVE September 28, 2009

Voice Vote: 8-0 YES: Komunale, Crawford, Crossland, Feeman, Kostandaras
Prentice, Schmidt, Smith ABSENT: Shapiro, Poda, Rodgers