

1 RESOLUTION NO. 2013-181

First Reading Passage Requested

(J. Dodson)

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3 SPONSORS Mr. Pry, Mr. Schmidt, Mr. Konstandaras, Mr. Feeman, Mr. Comunale,  
4 Mr. Crawford, Ms. Prentice, Ms. Shapiro, Ms. Kurt, Ms. Lee

5  
6 DATE April 29, 2013

COMMITTEE Public Safety

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8 **A Resolution expressing this Council's opposition to an Amendment to H.B. 59, the Ohio**  
9 **House of Representative's 2013 - 2014 Biennial Budget Bill, to add an additional judge for**  
10 **the Summit County Court of Common Pleas – Juvenile Division, and urging the Ohio**  
11 **Senate and Governor to act to eliminate this provision from the final version of the 2013 -**  
12 **2014 State Biennial Budget, for the Executive and Council, and declaring an emergency.**

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14 WHEREAS, State Representatives Anthony DeVitis and Marilyn Slaby recently  
15 introduced an amendment to H.B. 59, the Ohio House of Representative's 2013 – 2014 Biennial  
16 Budget Bill to add an additional judge for the Summit County Court of Common Pleas –  
17 Juvenile Division (“Juvenile Court”) beginning January 1, 2015 (“Juvenile Court Amendment”);  
18 and,

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20 WHEREAS, the Ohio House has recently adopted H.B. 59, including the Juvenile Court  
21 Amendment, and the Ohio Senate and Governor must still consider and adopt the same; and

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23 WHEREAS, the Juvenile Court Amendment was introduced by Representatives DeVitis  
24 and Slaby without either the Supreme Court of Ohio or the Juvenile Court conducting a study for  
25 the need of an additional Juvenile Court judge or Representatives DeVitis or Slaby requesting  
26 such a study; and

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28 WHEREAS, the Juvenile Court Amendment was introduced by Representatives DeVitis  
29 and Slaby without consultation with this Council or the County Executive, who must fund the  
30 cost of an additional Juvenile Court judge, which is expected to exceed \$300,000.00 annually,  
31 plus costs to renovate the Juvenile Court for an additional judge and associated staff; and

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33 WHEREAS, the Juvenile Court Amendment will place additional financial strain on the  
34 County's general fund budget, which has already been devastated in recent years by the actions  
35 of the Ohio General Assembly and Governor, likely leading to reduced and lower quality of  
36 services for Summit County's children and families; and

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38 WHEREAS, based on the Supreme Court of Ohio's 2011 Statistical Report (“Supreme  
39 Court Report”), the Juvenile Court's caseload with a single judge is currently in-line with other  
40 large Ohio counties, with Summit at 8,111 new cases compared to 8,052 new cases per judge in  
41 Montgomery, 6,416 new cases per judge in Lucas and a high of 14,178 new cases per judge in  
42 Hamilton; and

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44 WHEREAS, the number of cases for the Juvenile Court has dropped from 12,475 in 2003  
45 to 8,111 in 2011; and

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47 WHEREAS, the Juvenile Court with a single judge is more compliant with Supreme  
48 Court of Ohio guidelines for the timeliness of disposing with (i) delinquency, (ii) traffic, (iii)  
49 unruly and (iv) dependency, neglect and abuses cases than the most comparable counties with  
50 two judges – Montgomery and Lucas, including zero non-compliant (i) traffic, (ii) unruly or (iii)  
51 dependency, neglect and abuse cases at the end of 2011; and

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4 WHEREAS, for the past five years, the Juvenile Court has received either the highest or  
5 second highest allocation of RECLAIM Ohio funds from the State of Ohio Department of Youth  
6 Services – funds resulting from effective local programming designed to keep children with their  
7 families rather than in State custody; and

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9 WHEREAS, the above statistics demonstrate that there is no legitimate governmental,  
10 judicial or community need for a second judge at the Juvenile Court; and

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12 WHEREAS, the Juvenile Court Amendment introduced by Representatives DeVitis and  
13 Slaby and passed by the Ohio House of Representatives is not supported by any factual or  
14 statistical data and will serve as an unnecessary financial drain on the County; and

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16 WHEREAS, the Juvenile Court Amendment is, at best, an example of irresponsible  
17 conduct by the Representatives who have failed and refused to properly investigate and identify  
18 the needs for and consequences of, the amendment, and, at worst, is an example of injecting  
19 partisan politics into the judiciary to the detriment of the children and families of Summit  
20 County; and

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22 WHEREAS, for the reasons set forth above, and after reviewing all pertinent information  
23 available this Council finds and determines that it is necessary, and in the best interest of the  
24 County, to oppose the Juvenile Court Amendment and to encourage the Ohio Senate and  
25 Governor to act to eliminate the same from the final version of the 2013 – 2014 State Biennial  
26 Budget.

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

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31 SECTION 1

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33 This Council hereby expresses its opposition to, and adamantly opposes, the amendment  
34 introduced by State Representatives DeVitis and Slaby to H.B. 59, the Ohio House of  
35 Representatives' 2013 – 2014 Biennial Budget Bill to add an additional judge for the Summit  
36 County Court of Common Pleas – Juvenile Division beginning January 1, 2015 as an  
37 unnecessary, unsubstantiated, ill-advised and irresponsible intrusion into the Summit County  
38 judiciary.

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40 SECTION 2

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42 This Council strongly urges the Ohio Senate and Governor to act to eliminate the  
43 provisions of the amendment identified in Section 1 from the final version of the 2013 -2014  
44 State Biennial Budget.

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46 SECTION 3

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48 The Clerk of Council is hereby directed to mail and e-mail a copy of this Resolution to  
49 the State Representatives and Senators representing portions of Summit County, all State  
50 Senators on the Finance and Judiciary Committees, Senate Minority and Majority Leadership  
51 and the Governor.

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SECTION 4

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 purpose of immediately expressing its opposition and urging the State Senate and Governor to act before they take any further action on the 2013 – 2014 State Biennial Budget.

SECTION 5

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 6

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 April 29, 2013

ADOPTED April 29, 2013

  
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CLERK OF COUNCIL

  
\_\_\_\_\_  
PRESIDENT OF COUNCIL

APPROVED April 30, 2013

  
\_\_\_\_\_  
EXECUTIVE

ENACTED EFFECTIVE April 30, 2013

Voice Vote: 9-2: YES: Comunale, Crawford, Feeman, Kostandaras, Kurt, Lee, Prentice, Schmidt, Shapiro. No: Rodgers, Roemer