

ORDINANCE 25-2015

AN ORDINANCE AUTHORIZING THE CREATION OF THE MAYOR'S COURT COMPUTERIZATION FUND AND DECLARING AN EMERGENCY

WHEREAS, under Section 1901.261, Revised Code, a municipal court may determine that for the efficient operation of the court additional funds are required to computerize the court, to make available computerized legal research services, or to do both; and,

WHEREAS, upon making a determination that additional funds are required for either or both of those purposes, the court shall include in its schedule of fees and costs one additional fee not to exceed three dollars on the filing of each cause of action or appeal equivalent to one described in division (A), (Q), or (U) of section 2303.20 of the Revised Code and shall direct the clerk of the court to charge the fee; and,

WHEREAS, the Auditor of State published in Bulletin 97-019, "the authority to charge additional fees to computerize either the court itself or the clerk of the court's office is derived from the language of Ohio Rev. Code § 2303.201 for common pleas courts, § 1907.261 for county courts, and § 1901.261 for municipal courts. While there is no provision in Ohio Rev. Code Ch. 1905 that explicitly establishes a mayor's court computerization fund similar to Ohio Rev. Code §§ 1901.261 and 1907.261, it is the Auditor of State's opinion that the mayor's courts are also able to establish a computer fund;" and,

WHEREAS, the Auditor of State further provided that, "If, however, the mayor's court is within the jurisdiction of a municipal court, then based upon the language of Ohio Rev. Code § 1901.261, the municipality should submit a written request to our Office's Local Government Services Division to establish a Mayor's Court Computerization Fund pursuant to Ohio Rev. Code § 5705.12;" and,

WHEREAS, the Minerva Park Mayor's Court began collecting the fee September 2015.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF MINERVA PARK, OHIO, THAT;

Section 1. Pursuant to the guidance provided by the Audit of State, the Fiscal Officer shall request approval from the Auditor of State and upon approval from shall create the Mayor's Court Computer A Fund.

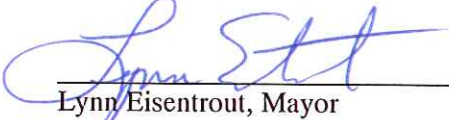
Section 2. The funds recorded to the Mayor's Court Computer A Fund shall be use to computerize the Mayor's Court.

Section 3. The fiscal officer shall place the funds from the fees in the Mayor's Court Computer A Fund to be disbursed upon an order of the court, subject to an appropriation by this Council.

Section 4. It is hereby found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that any and all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements of the laws of the State of Ohio.

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(Continued)

Section 5. Council declares this to be an emergency measure necessary for the health, safety and welfare of the residents of Minerva Park, such emergency arising out of the immediate need to obtain the Auditor of State permission to create the fund and record the revenue. Wherefore, this Ordinance shall take effect and shall be in force immediately upon passage by Council.



Lynn Eisentrout, Mayor


First Reading: October 12, 2015
Second Reading Waived
Third Reading Waived
Passed: October 12, 2015

ATTEST



Jeffrey Wilcheck, Fiscal Officer

APPROVED AS TO FORM



Jennifer Croghan, Solicitor