

Research and Resources for 30 August 2018 Meeting

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Comment on Content

Whenever the first person is used it refers to the Chair, Jack Newman. All others are referred to by name.

1. *Revised Draft for Filling Council Vacancy*

Proposal for Discussion on Filling Vacancy on Council

The determination has been made to keep the process of filling council vacancies via appointment. However, that determination was made with a recognition that features that might accompany the provision, including for example a possible time limit on the appointment process, would be examined and decided separately. What appears below is a proposal designed to spark discussion of the issue.

Key elements of the proposal are:

A time limit on action by council; if the time limit is not met, the right to fill the spot by appointment disappears and there must be an election to fill the spot in the first instance.

Any appointment does not last until the end of the unexpired term (unless that is very short), or even until the next odd numbered general election (unless that happens to be the next qualifying time). Rather, it lasts only until the next election, primary or general, that occurs long enough in the future for an appointee to know he/she is (or is not) the chosen person and then to mount (or decide not to mount) a petition drive and a campaign.

Any person who gets elected, either when the appointment process fails or upon expiration of an appointment, (i) takes office immediately, such as within 7 days of the election, and (ii) serves out the full unexpired term, regardless how long that is; except in rare circumstances when the timing works out strangely, there should be no need to run two nearby campaigns.

Some obvious questions that arise with this approach are: the length of time involved if the appointment process does not succeed and time expires, requiring an election; the practicalities of having an elected person take office very soon after the election, given the potential of challenges and recounts. Perhaps the Board of Elections will be able to advise us on this.

The drafting of a provision of this kind is a lot more complicated than it seems. An attempt appears below.

Article III-4 [3.04]

(A) Any vacancy in the Council shall be filled by appointment made by Council acting by a majority of its members in office at the time of the appointment. Council shall make the appointment no later than [60} days after the vacancy occurs. Council shall develop a process for making the appointment and include the process in the rules of Council.

(B) If Council does not fill the vacancy as provided in Subsection A above, the vacancy shall be filled by election at the next primary or general election occurring at least [200] days after the vacancy occurs.

(C) The term of a person who fills a vacancy by appointment shall extend until the earlier of the expiration of the unexpired term or [7] days after the next primary or general election occurring at least [200] days after the vacancy occurs.

(D) The term of a person who fills a vacancy by election, either because the Council does not fill the vacancy in in first instance under Subsection A above or because the term of a person appointed by Council in the first instance has expired as provided in Subsection C above, shall begin [7] days after the election and shall extend for the remainder of the unexpired term.

2. Possible Provision on Open Government

It seemed to me, when reflecting after the August 16 meeting upon the disposition of the “open government” issue at that meeting, that in the confluence of various substance and drafting considerations that were raised in the discussion, perhaps not all alternatives had been considered, and maybe there was a different approach that could serve a useful purpose and yet not encounter the reservations that

emerged at the meeting, including from me. With that in mind, I would like to suggest consideration of the following for review at the August 30 meeting, and ask you to circulate this email in advance of the meeting.

Article III-8 of the charter sets out a list of certain types of ordinances that, if adopted by the Council, cannot be repealed or amended by the Council except by a vote of 5 Council members. I propose that the following be added at the end of the list:

“ . . . and interpretation of principles of open government for the City, as well as the methods and manners of applying those principles.”

3. *Alternative Approaches to Ethics Provision*

A. Expectations of Government and Specific Requirements/Prohibitions

1. **Lakewood City Charter, Article 8.1**

- A. *Expectations of Government.* *The citizens of Lakewood rightfully expect their government of elected and appointed officials, and their employees, to behave legally and ethically following principles of open government. All officials will treat each other with respect and together work to make Lakewood a desirable place to live. The citizens also rightfully expect honesty, respect and fair treatment by all involved in governance. City officials have a responsibility to educate, monitor and support all employees and city representatives in this mission. 8.1(a)* Can add to this provision that, “Council shall implement these expectations by rules and regulations in the Administrative Code.”
- B. *Oath of Office.* *Every elected or appointed officeholder of the city shall, before entering upon the duties of his or her office, take and subscribe to an oath or affirmation, to be filed and kept in the office of the clerk of council, that he or she will in all respects faithfully discharge the duties of his or her office. 8.1(b)* Council to create the oath or oaths or to designate who should create the oaths. This is not stated in the provision but is implied by its inclusion in the Charter.
- C. *Public Ethics.* *The city shall be governed by the following ethical obligations:*
- (1) *The mayor, councilmembers, director of law and director of finance owe a fiduciary duty to the city. As such, these officials, and the city employees under their supervision, shall be held to the highest ethical standards in all public matters. In the interest of preserving the public trust, these officials shall avoid any perceived conflict of interest or any action likely to give the appearance of impropriety in the execution of their public duties.*
 - (2) *Upon taking office, the mayor shall insure that policies governing the ethics of city employees in the execution of their job duties are in place, that these policies are consistent with the ethical requirements of general law, and that these policies are communicated in writing to all city employees.*

Nothing in this section shall be construed to prevent council from enacting by ordinance or resolution any rules or policies governing ethics of city employees.

- (3) *No city official or employee, through any improper use of that person's official position with the city, may affect the hiring of any person, letting of any contract or any other action by the city that may result in that official or employee, or any of the official or employee's immediate family members or close business associates, securing anything of value.*

Nothing in this section shall be construed to prohibit a city official or employee from serving as an employment, personal or credit reference for any person.

- (4) *Any person who has been found guilty by a court of competent jurisdiction of any felony violation of the general law relating to bribery, theft in office, having an unlawful interest in a public contract, soliciting or accepting improper compensation, perjury relating to any official duty, or corrupt practices relating to state or federal elections, shall be ineligible to hold office as mayor, member of council, director of law or director of finance.*

If, while in office, the mayor, any member of council, the director of law or the director of finance is found guilty by a court of competent jurisdiction of any felony violation of the general law relating to bribery, theft in office, having an unlawful interest in a public contract, soliciting or accepting improper compensation, perjury relating to any official duty, or corrupt practices relating to state or federal elections, that person shall, upon the finality of the conviction, immediately forfeit the office held.

The terms used in this section shall be interpreted consistent with their use in the general law. Nothing in this section shall be construed to prohibit council from enacting additional prohibitions or penalties relating to public ethics.

The specifics of the Lakewood Ethics provision were taken from general law by a member of the 2014 Charter Review Commission who is a municipal law attorney. Not certain why these specific provisions were selected. As he noted to the Commission the provisions are hortatory as there are no enforcement provisions for many of the requirements though presumably council could add penalties as the provision empowers council to add to the provisions.

B. Creation of a Board to flesh out and enforce ethics

1. Model City Charter

Section 7.01. Conflicts of Interest; Board of Ethics.

- (a) Conflicts of Interest.** *The use of public office for private gain is prohibited. The city council shall implement this prohibition by ordinance. Regulations to this end shall include but not be limited to: acting in an official capacity on matters in which the official has a private financial interest clearly separate from that of the general public; the acceptance of gifts and other things of value; acting in a private capacity on matters dealt with as a public official, the use of confidential information; and appearances by city officials before other city agencies on behalf*

of private interests. This ordinance shall provide for reasonable public disclosure of finances by officials with major decision-making authority over monetary expenditures and contractual matters and, insofar as permissible under state law, shall provide for fines and imprisonment for violations.

- (b) Board of Ethics.** *The city council shall, by ordinance, establish an independent board of ethics to administer and enforce the conflict of interest and financial disclosure ordinances. No member of the board may hold elective or appointed office under the city or any other government or hold any political party office. Insofar as possible under state law, the city council shall authorize the board to issue binding advisory opinions, conduct investigations on its own initiative and on referral or complaint, refer cases for prosecution, impose administrative fines, and to hire independent counsel. The city council shall appropriate sufficient funds to the board of ethics to enable it to perform the duties assigned to it.*

Section 7.02. Prohibitions.

(a) Activities Prohibited.

- (1) No person shall be appointed to or removed from, or in any way favored or discriminated against with respect to any city position or appointive city administrative office because of race, gender, age, handicap, religion, country of origin or political affiliation.*
 - (2) No person shall willfully make any false statement, certificate, mark, rating or report in regard to any test, certification or appointment under the provisions of this charter or the rules and regulations made thereunder, or in any manner commit or attempt to commit any fraud preventing the impartial execution of such provisions, rules and regulations.*
 - (3) No person who seeks appointment or promotion with respect to any city position or appointive city administrative office shall directly or indirectly give, render or pay any money, service or other valuable thing to any person for or in connection with his or her test, appointment, proposed appointment, promotion or proposed promotion.*
 - (4) No person shall knowingly or willfully solicit or assist in soliciting any assessment, subscription or contribution for any political party or political purpose to be used in conjunction with any city election from any city employee.*
 - (5) No city employee shall knowingly or willfully make, solicit or receive any contribution to the campaign funds of any political party or committee to be used in a city election or to campaign funds to be used in support of or opposition to any candidate for election to city office or city ballot issue. Further, no city employee shall knowingly or willfully participate in any aspect of any political campaign on behalf of or opposition to any candidate for city office. This section shall not be construed to limit any person's right to exercise rights as a citizen to express opinions or to cast a vote nor shall it be construed to prohibit any person from active participation in political campaigns at any other level of government.*
- (b) Penalties.** *Any person convicted of a violation of this section shall be ineligible for a period of five years following such conviction to hold any city office or position*

and, if an officer or employee of the city, shall immediately forfeit his or her office or position. The city council shall establish by ordinance such further penalties as it may deem appropriate.

Some of the issues is choosing among these two types is how important enforcement is valued and how additions to ethic provisions should be done. One of the functions boards and commissions fill is to provide entry points for those who want to get involved in governing the community. By applying to be a member of a board or commission, a citizen can enter community politics in an appointive process rather than election. The cost of boards and commissions can be minimized as members are not paid high salaries and staff can serve more than one board or commission.

4. *Handling of Ceremonial Powers of President of Council*

Proposed Ceremonial Provision for Office of Council President

“...shall be recognized by the Courts for purposes of receiving service of civil process and by the Governor for military or defense purposes, and may represent the City for ceremonial purposes, but shall have no executive or administrative functions for the City.”

5. *Collection of questions for Board of Elections*

Here are questions that occur to me for presentation to the Board of Elections:

1. For candidate elections, how far in advance of the election date must completed petitions be submitted to the BoE? Is it the same for initiative/referenda/recall, and if not, then what is the time period? Are these items matters of law, or practicality?
2. Is there any law, rule, policy or practical consideration that prevents or discourages a rule that limits the time in advance of an election for collection of signatures on candidate petitions – such as the 180 days currently in the CH charter?
3. Is there any law, rule, policy or practical consideration that restricts the number of candidate petitions a particular person may sign to the number of spots to be filled? That is, if five candidates are running for three slots (or two persons for a single office), may a person sign petitions for all five candidates (or for both persons) candidates, or is that person limited to three? If there is a limit, how does the Board determine which signatures to count?

4. Is there any law, rule, policy or practical consideration that would prevent a provision that would have a person take office as a member of council on the seventh day (or another nearby day) after the election?

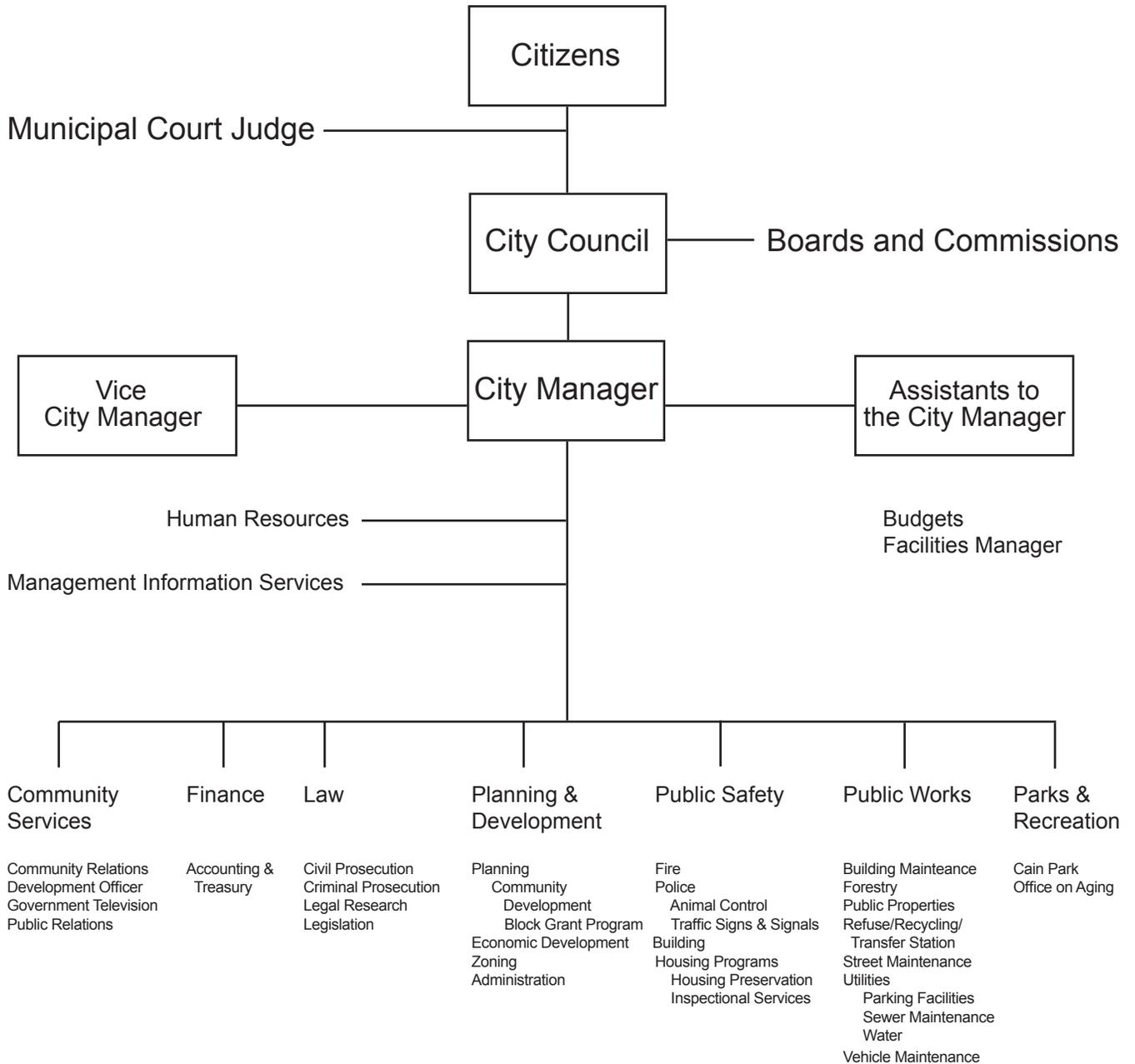
5. State law says that the denominator for assessing whether sufficient signatures have been gathered for an initiative to put a charter amendment on the ballot is the number of people who voted in the most recent municipal general election, not the number of registered voters over all. Does this same rule apply to other types of initiatives/referendum/recall, or to petitions to run for office? Or is the latter up to the municipality via home rule?

6. *Departments and Council Action on Administrative Appointments*



CITY OF CLEVELAND HEIGHTS, OHIO

City Organization as of December 31, 2015



A. Departments

1. Considerations

The main issue is whether some departments are created in the charter and if so which. Often departments of law and finance are charter mandated as these have important functions under home rule and financial health respectively. Some charters create all departments. Creating departments in a charter obviously underscores their importance. The problem is that charter created departments can only be terminated by amending the charter. In most cases, council is authorized to create additional departments.

Lakewood Charter creates two departments but names several that council may create. This was compromise between those who wanted minimum departments named in the charter and those who wanted more. The Lakewood article on departments, Article Four, is below.

Cleveland Heights Charter names numerous departments, one of which is no longer exists. This demonstrates the dangers of naming specific departments that must be created; however, Council can terminate a charter named department by five votes. The current department provisions in the Cleveland Heights Charter are below.

The **Model City Charter** grants council authority to create departments, agencies or offices. No specific ones are created in the charter. However, in **Section 4:04** important functions are listed and council is empowered to grant authority to an agency by ordinance. The focus in on planning and implementation of the plan. This topic was an important part of early discussions of the commission and this proposed charter provision may be a good starting point to making the plan a reality.

Lakewood City Charter ARTICLE FOUR. DEPARTMENTS AND OFFICERS

4.1 GENERAL PROVISIONS

There shall be a department of law and a department of finance. Council may, in its discretion, establish additional city departments, offices or agencies to provide and administer city services, including but not limited to public safety, planning and development, human services and public works, and may prescribe or reassign the functions of all departments, offices and agencies. Notwithstanding council's discretion to prescribe or reassign department functions as set forth in this section, no function assigned by this charter to a particular department, office or agency may be discontinued or assigned to any other unless this charter specifically permits its discontinuance or reassignment.

4.2 DIRECTORS OF DEPARTMENTS

Except as otherwise provided by this charter, the head of each department shall be a director, appointed by the mayor, and shall serve at the mayor's pleasure. Each director shall administer his or her department in accordance with this charter, the applicable ordinances adopted by council, the rules and regulations made by the mayor, and general law, except as general law may be limited by council. Each director may, subject to applicable civil service regulations, appoint, promote, transfer, reduce or remove division heads, officers and employees within his or her department.

4.3 DEPARTMENT OF LAW

The department of law shall be headed by a director of law, who shall be an attorney admitted to practice law in the state, shall be a registered voter of the city, and shall be appointed by the mayor with the approval of council. The director of law shall serve as chief legal adviser to council, the mayor, all boards and commissions, and all city departments, offices and agencies; shall represent the city in all legal proceedings; and shall perform any other duties prescribed by this charter, ordinance, resolution or general law, except as general law may be limited by council.

4.4 DEPARTMENT OF FINANCE

The department of finance shall be headed by a director of finance. The director of finance shall be responsible for the administration of all financial requirements called for by this charter, ordinance, resolution or general law, except as general law may be limited by council. The director of finance shall also be the city auditor.

Cleveland Heights City Charter

ARTICLE V

ADMINISTRATIVE OFFICERS AND DEPARTMENTS

SECTION V-1. DEPARTMENTS.

The following administrative departments are hereby established: (1) Department of Law; (2) Department of Finance; (3) Department of Planning; (4) Department of Public Safety; (5) Department of Public Service; and (6) Department of Public Health.

The Council shall determine and prescribe the functions and duties of each department, and, by vote of five of its members, may create new departments, combine or abolish existing departments and establish temporary departments for special work.

(Amended 11-7-72.)

SECTION V-2. DIRECTORS.

There shall be a director of each department who shall have the supervision and control thereof, and who shall be appointed by, and shall be immediately responsible to the City Manager for the administration of his department. The City Manager's appointment of the Director of Law, Director of Finance and Director of Planning shall be effective only upon the approval of a majority of the members of Council. The City Manager may remove the director of any department without the approval of Council.

The Director of Law shall be an attorney at law duly admitted to practice in the State of Ohio, and shall have been engaged in active practice of law continuously for a period of five years next preceding his appointment. The Director of Finance shall also have the title of City Auditor.

Nothing herein shall be construed as preventing the same person from being director of more than one department.

(Amended 11-7-72.)

SECTION V-3. CITY MANAGER AS HEAD OF DEPARTMENTS.

Excepting the Departments of Law, Finance and Planning, the City Manager may be the director of each and every department of the City government unless otherwise provided by the Council.

(Amended 11-7-72.)

Model City Charter

Article IV

DEPARTMENTS, OFFICES, AND AGENCIES

Section 4.01. General Provisions.

(a) Creation of Departments. The city council may establish city departments, offices, or agencies in addition to those created by this charter and may prescribe the functions of all departments, offices, and agencies. No function assigned by this charter to a particular department, office, or agency may be discontinued or, unless this charter specifically so provides, assigned to any other.

(b) Direction by City Manager. All departments, offices, and agencies under the direction and supervision of the city manager shall be administered by an officer appointed by and subject to the direction and supervision of the manager. With the consent of council, the city manager may serve as the head of one or more such departments, offices, or agencies or may appoint one person as the head of two or more of them.

Section 4.02. Personnel System.

(a) Merit Principle. All appointments and promotions of city officers and employees shall be made solely on the basis of merit and fitness demonstrated by a valid and reliable examination or other evidence of competence.

(b) Merit System. Consistent with all applicable federal and state laws the city council shall provide by ordinance for the establishment, regulation, and maintenance of a merit system governing personnel policies necessary to effective administration of the employees of the city's departments, offices and agencies, including but not limited to classification and pay plans, examinations, force reduction, removals, working conditions, provisional and exempt appointments, in-service training, grievances and relationships with employee organizations.

Section 4.03. Legal Officer.

(a) Appointment.

Alternative I

There shall be a legal officer of the city appointed by the city manager as provided in §4.01(b).

Alternative II

There shall be a legal officer of the city appointed by the city manager subject to confirmation by the city council.

Alternative III

There shall be a legal officer of the city appointed by the city council.

(b) Role. The legal officer shall serve as chief legal adviser to the council, the manager and all city departments, offices and agencies, shall represent the city in all legal proceedings and shall perform any other duties prescribed by state law, by this charter or by ordinance.

Section 4.04. Land Use, Development, and Environmental Planning.

Consistent with all applicable federal and state laws with respect to land use, development,

and environmental planning, the city council shall:

- (1) Designate an agency or agencies to carry out the planning function and such decision-making responsibilities as may be specified by ordinance;
- (2) Adopt a comprehensive plan and determine to what extent zoning and other land use control ordinances must be consistent with the plan;
- (3) Determine to what extent the comprehensive plan and zoning and other land use ordinances must be consistent with regional plan(s); and
- (4) Adopt development regulations, to be specified by ordinance, to implement the plan.

The designated agency, the city manager, and the mayor and council shall seek to act in cooperation with other jurisdictions and organizations in their region to promote integrated approaches to regional issues.

B. Appointment of Directors and other administrative officials

1. Council-Manager cities

- a. City Manager appoints with confirmation of Council Directors of Public Service, Public Safety – Manager serves of Director of Public Safety 5.03(b) -, Law, Finance, Parks and Recreation, and Community and Economic Development. Brunswick 5.01
- b. City Manager makes all appointments unless otherwise stated in Charter but subject to Council approval as required by charter or ordinance. Mentor 4.02(1) Removal by City Manager of all appointees though Civil Service may limit authority. Mentor 4.02 (2) Council appoints and removes law director. Mentor 5.05
- c. Departments of Finance, Law, Safety and Service. Huron 5.01 All appointments of Directors approved by Council. 5.02
- d. City Manager head of department/division unless appoints another person. Hudson 8.01 Fire and Police chiefs as well as Director of EMS appointed with

council approval. 8.02 City Solicitor (Law Director) appointed by City Manager with Council approval. 8.03

2. Council-Mayor Governments

- a. Mayor appoints all Directors with Council approval. Lakewood 3.4
- b. Mayor appoints all Directors and other employees not otherwise appointed under Civil Service. University Heights Article 5 Section 3 C
- c. Mayor makes all appointments unless otherwise specified by charter. Shaker Heights Article IV-3 C.
- d. A Department of Law, a Department of Finance, a Department of Public Safety and a Department of Service are hereby established by this Charter and the Council shall provide by ordinance for the organization thereof. The head of each department shall be a director appointed by the Mayor who shall serve at the pleasure of the Mayor. However, the appointment of the Director of Law shall be for a term concurrent with that for which the Mayor is elected for the full term beginning January 1, 2016. The newly elected (or re-elected) Mayor shall nominate a Law Director by January 1 of the full term commencing and Council shall confirm or reject the Mayor's appointment no later than January 31st of the year of the appointment. Failure of Council to confirm or reject the appointee by January 31st of the appointment year shall result in automatic confirmation of the Mayor's appointee. South Euclid Article V Section 1
- e. Mayor makes all appointments and appointees serve at his or her pleasure. Euclid. Article V Section 1

7. *Cleveland Heights Municipal Court – Article VI*

A. On Wednesday 15 August, the Chair and Facilitator met with J. J. Costello, Judge of the Cleveland Heights Municipal Court. The purpose of the meeting was two-fold; to ascertain if the Judge felt any changes needed to be made in the Article on the municipal court and his reaction to the proposed provision on an annual report.

He shared that the duties and authority of the Court are spelled out thoroughly in state statutes. He had examined a convenience sample of charters and all were similar to the Cleveland Heights court provisions, putting the court under state law. He saw no need for additional provisions. He felt the election provisions of the charter were sufficient for electing judges and had no issues with the provisions.

In terms of the annual report, he stated the court reports to the Council annually. As he was newly elected last year, his first report was less than he plans to do in the future. He mentioned the report of the Shaker Heights Court as along the lines of annual reports he plans. He saw no need for a charter provision on annual reports. His report is available online as the Court has its own page on the city website. The Annual Report is included below.

B. Cleveland Heights Municipal Court Annual Report

CLEVELAND HEIGHTS MUNICIPAL COURT

2017

ANNUAL REPORT



JAMES J. COSTELLO
JUDGE

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Comments, Judge James J. Costello

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Probation Department Report

Employee Roster



Cleveland Heights Municipal Court

Judge J.J. Costello
40 Severance Circle
Cleveland Heights, Ohio 44118

March 28, 2018

Cuyahoga County Executive, Armond Budish
Cuyahoga County Council
Council of the City of Cleveland Heights

Re: Cleveland Heights Municipal Court's 2017 Annual Report

Dear County Executive, Cuyahoga County Council Members, and Cleveland Heights Council Members:

Enclosed is the Annual Report of the Cleveland Heights Municipal Court, which provides complete report of the Court's operation for 2017 as required by Section 1901.14(A)(4) of the Ohio Revised Code. This report describes the work performed by the Court, including the Clerk of Court (which includes the small claims/civil division and the traffic/criminal division), the Bailiff Department, and the Probation Department, along with a statement of receipts and expenditures of the civil and criminal branches, and the number of cases heard, decided, and settled.

This is my first year as the Presiding and Administrative Judge of the Cleveland Heights Municipal Court, and therefore, this report covers a period prior to my taking office. That stated, the Court has always placed, and will continue to place, a premium on providing fair, impartial, and timely resolution of the matters brought before it. In the past, this Court has functioned effectively, and I intend to build upon and increase that functionality.

In this, the Court's 2017 Annual Report, I would like to bring to your attention the following matters:

- In 2017, the Court remitted over \$1,529,261 of revenues to the City of Cleveland Heights and over \$723,500 to Cuyahoga County and the State of Ohio.
- In the criminal division, the total number of cases heard by the Court in 2017 was 2,519 which is down from the previous year. In the traffic division, the total number of cases heard by the Court in 2017 was 10,056, which is up from 2016. Similarly, in the civil division, the total number of cases heard by the Court in 2017 was 1,766, which is up from the previous year.
- In 2017, the Court referred a total of 52 individuals to the Cleveland Heights Public Works Department, and a total of 689 hours of community service was performed.

- The Court conducted remote arraignments on a total of 21 defendants incarcerated in county and prison facilities throughout the State of Ohio so that the Cleveland Heights Police Department does not have to transport prisoners to and from those facilities for a savings in transport costs and officer time.

In closing, I would like to acknowledge the years of public service of Judge A. Deane Buchanan as Judge of the Cleveland Heights Municipal Court. I look forward to continuing that tradition of outstanding public service and presenting and updating you with the Court's activities and improvements in years to come.

Respectfully submitted,

A handwritten signature in cursive script that reads "James J. Costello". The signature is written in black ink and is centered below the text "Respectfully submitted,".

J.J. Costello, Judge

CASE FILINGS IN 2017

MONTH	FELONIES	MISDEMEANORS	O.M.V.I.	TRAFFIC	PERSONAL INJURY & PROPERTY DAMAGE	CONTRACTS	F.E.D	OTHER CIVIL	SMALL CLAIMS
January	15	191	11	495	0	45	44	2	54
February	22	80	10	472	0	33	51	2	62
March	27	124	10	829	0	38	42	3	12
April	18	139	6	604	1	46	34	0	107
May	17	119	6	584	0	34	32	1	9
June	14	120	8	427	0	46	49	2	56
July	13	113	11	401	0	36	49	2	50
August	8	126	6	604	0	53	62	0	57
September	15	104	6	541	1	28	37	1	62
October	18	162	6	730	0	72	46	2	100
November	21	89	11	675	0	40	45	1	14
December	16	112	8	623		39	59	0	57
TOTAL	204	1,479	99	6,985	2	510	550	16	640
Re-Activated	67	769	25	2,947	2	8	34	0	4
Case Total	271	2,248	124	9,932	4	518	584	16	644

These statistics are from the monthly reports submitted to the Supreme Court of Ohio required under Superintendence Rule 12. Multiple charges filed against an individual as the result of the same act or a series of acts are ONE CASE. Individual criminal and traffic charges appear elsewhere in this report. Reactivated cases are those brought back to the current docket when the Court regains jurisdiction over a defendant such as an arrest on a warrant or license forfeiture.

TRAFFIC OFFENSES BY INDIVIDUAL CHARGE FOR 2017

Assured Clear Distance	266	Bicycle/Toy Vehicle	5	Child Restraint	53	Display of License	182
Display of Plates	253	Driving on Sidewalk	32	Driving Under Suspension	2,558	Expired License<6months	101
Expired Plates	939	Failure to Control	202	Failure to Yield	201	Fictitious Plates	109
Fleeing	8	FRA Suspension	368	Hit Skip/Leave Scene	65	Improper Lane Change	34
Improper Passing	26	Improper Turn	189	Improper Use Electronic Device	5	Left of Center	31
No Operator's License	1,604	Other License Violations	325	Other Moving Violations	113	One Way Street	21
OVI/Alcohol/BAC	181	Parking Complaints	595	Pedestrian Violations	28	Reckless Operation	17
Seat Belt Violation	280	Speeding Violations	3,446	Stop Sign Violations	150	Traffic Control Lights	294
Traffic Control Device	23	Turn Signal Violation	9	Unlawful Entrustment	6	Unlawful/Illegal Plates	48
Unsafe Vehicle Violation	285	Vehicle Light Violation	627				

TOTAL CHARGES FOR 2017 13,679

PREVIOUS YEARS:

- 2016 12,772
- 2015 17,780
- 2014 22,246
- 2013 26,456
- 2012 25,464
- 2011 19,622

CRIMINAL OFFENSES BY INDIVIDUAL CHARGE FOR 2017

Aggravated Robbery/Burglary	18	Assault	151	Barking Dog	13	Breaking and Entering	8
Burglary	23	Business Requirements	4	Carrying Concealed Weapon	20	Child Endangering	60
Contempt of Court	4	Criminal Damaging	10	Criminal Mischief	29	Criminal Tools	24
Criminal Trespass	34	Disorderly Conduct	185	Dog/Cat/Animal Offenses	100	Dog Vicious	11
Domestic Violence	122	Drug Instrument	67	Drug Possession	186	Drug Trafficking	18
Falsification	16	Felonious Assault	26	Firearms	37	Housing	366
Housing/Occupancy	62	Intoxication	77	Kidnapping/Unlawful Restraint	8	Menacing/Stalking	62
Murder/Attempt Murder	3	Obstructing Official Business	123	Open Container	70	Receive Stolen Property	32
Riot	14	Robbery	5	Search Warrant/Probable Cause/Extradition	70	Sexual Offenses	22
Telephone Harassment	5	Theft/Petty Theft	97	Unauthorized Use MV/Property	5	Unlawful Conduct with Minor	i
Unreasonable Noise	46	Underage Possession/Consumption	2	Violation of Protection Order	30		

2017 2266

TOTAL CHARGES:

- 2016 2,576
- 2015 2,642
- 2014 3,020
- 2013 3,310
- 2012 3,334
- 2011 2,805

**CRIMINAL/TRAFFIC BRANCH
RECEIPTS AND DISBURSEMENTS FOR 2017**

RECEIPTS:

City of Cleveland Heights	2015	2016	2017
Local Costs	646,820.00	511,699.30	531,588.60
Computer Fund	64,204.50	47,699.50	47,943.50
Indigent Fund	16,148.92	13,983.93	17,147.85
Special Projects Fund	107,159.00	79,515.90	79,907.00
Fines	812,564.00	645,626.70	656,720.90
Sub-Totals	<u>1,646,896.42</u>	<u>1,298,525.33</u>	<u>1,333,307.85</u>
Cuyahoga County			
CRIS	44,227.00	32,422.50	31,145.00
Crime	1,417.00	1,245.00	1,787.00
Sub-Totals	<u>45,644.00</u>	<u>33,667.50</u>	<u>32,932.00</u>
State of Ohio			
Indigent Defense Support Fund	300,500.41	226,885.00	224,807.00
General Revenue	627.00	1,197.00	1,075.50
Victims Crime	88,676.00	65,296.50	64,164.00
Sub-Totals	<u>389,803.41</u>	<u>293,378.50</u>	<u>290,046.50</u>
Other Receipts			
OVI Fines	19,613.00	12,250.00	10,821.00
Miscellaneous	26,286.92	7,921.90	10,275.80
Sub-Totals	<u>45,899.92</u>	<u>20,171.90</u>	<u>21,096.80</u>
GRAND TOTALS	<u><u>2,128,243.75</u></u>	<u><u>1,645,743.23</u></u>	<u><u>1,677,383.15</u></u>

**CRIMINAL/TRAFFIC BRANCH
RECEIPTS AND DISBURSEMENTS FOR 2017**

DISBURSEMENTS;

City of Cleveland Heights	2015	2016	2017
Fines	697,137.23	542,138.69	565,079.15
Costs	648,192.50	511,049.80	531,563.61
Housing	5,393.00	3,360.00	6,120.00
Computer Fund	64,096.50	47,702.50	47,937.50
Special Projects Fund	107,159.00	79,515.90	79,907.00
Indigent Fund	19,291.92	15,421.93	18,546.35
Drug Fines	0.00	150.00	100.00
Other Cost	1,322.50	2,522.90	1,412.80
Visa Convenience Fee	10.50	0.00	0.00
Sub-Total	1,542,603.15	1,201,861.72	1,250,666.41
Cuyahoga County			
Regular Fines	28,807.50	30,959.00	31,058.00
Uniform Traffic Fines	75,315.00	65,572.50	55,578.00
REEDS	44,227.00	32,422.50	31,140.00
Crime Stop	1,417.00	1,245.00	1,787.00
1/2 Liquor Fines	400.00	175.00	300.00
Public Defender	936.00	830.00	536.50
Reimburse/Witness/Jury	536.00	917.00	785.00
Sub-Total	151,638.50	132,121.00	121,184.50
State of Ohio			
RRF/Victims Fund	88,675.50	62,296.50	64,155.00
Indigent Defense Support Fund	308,782.41	209,862.00	224,807.00
GRF/General Fund	0.00	0.00	0.00
Seat Belt	10,290.00	6,075.00	4,230.00
Expungements	1,590.00	1,230.00	1,230.00
1/2 Liquor Fines	400.00	175.00	300.00
BMV Fees	135.00	45.00	105.00
Pharmacy Board (Drug)	300.00	434.00	125.00
Sub-Total	410,172.91	280,117.50	294,952.00
Other Disbursements			
DUI Housing Fund*	5,991.00	3,961.00	3,570.00
DUI Arrest Agency*	2,879.00	1,728.00	1,884.00
Sub-Total	8,870.00	5,689.00	5,454.00
GRAND TOTALS	2,113,284.56	1,619,789.22	1,672,256.91

*Money from these two funds goes directly into accounts for the Cleveland Height Police Department for future D.U.I education and enforcement.

**CIVIL/SMALL CLAIMS BRANCH
RECEIPTS AND DISBURSEMENTS FOR 2017**

RECEIPTS:

City of Cleveland Heights	2015	2016	2017
Local Costs	173,723.50	200,683.45	233,145.00
Computer Fund	11,568.00	13,110.00	13,926.00
Special Projects Fund	19,260.00	21,850.00	23,200.00
Sub-Total	204,551.50	235,643.45	270,271.00
State of Ohio Legal Aid	30,685.00	32,391.00	34,322.00
Judgements & Refunds	298,150.10	375,885.47	486,388.32
Bailiff Fee	0.00	0.00	0.00
Miscellaneous Receipts	2,795.00	2,676.00	2,755.00
Sub-Total	331,630.10	410,952.47	523,465.32
	536,181.60	646,595.92	793,736.32
GRAND TOTAL			

DISBURSEMENTS;

City of Cleveland Heights	2015	2016	2017
Costs	168,984.76	200,703.45	233,160.00
Computer Funds	11,604.00	13,110.00	13,926.00
Bailiff Fees	0.00	0.00	0.00
Marriage Fees	3,155.00	2,676.70	2,755.40
Special Projects Fund	19,330.00	21,850.00	23,200.00
Sub-Totals	203,073.76	238,340.15	273,041.40
State of Ohio Legal Aid	30,077.00	32,391.00	34,322.00
Judgements & Refunds	298,150.10	375,885.47	485,034.03
Sub-Totals	328,227.10	408,276.47	519,356.03
	531,300.86	646,616.62	792,397.43
GRAND TOTALS			

**LANDLORD-TENANT AND TRUSTEESHIP
RECEIPTS AND DISBURSEMENTS FOR 2017**

RECEIPTS:

Rent on Deposits January 1, 2017	9,668.76
Deposits in 2016	<u>9,128.55</u>
	18,797.31

DISBURSEMENTS:

2017

City of Cleveland Heights	106.12
To Landlords	10,200.85
To Tenants	<u>4,793.78</u>
TOTALS	15,100.75

Rents on Deposit at December 31, 2017 3,696.56

To: Judge James J. Costello

From: William Gibson
Chief Probation Officer

Re: **Probation Office, 2017**

I. **PRE-SENTENCE INVESTIGATION/PROBATION VIOLATION, 2017**

	2014	2015	2016	2017
Presentence Investigation Reports	650	915	608	587
Probation Violation Reports	9	139	175	156
Expungement Reports	45	79	60	
Reviews	124	99	105	153

II. **SUPERVISION CASELOAD, on December 31, 2016**

	12-31-14 Caseload	12-31-15 Caseload	12-31-16 Caseload	12-31-17 Caseload
Active (Supervised)	322	387	422	338
Inactive (Non-Supervised)	444	483	553	449

Supervision caseload, per Probation officer (3) on December 31, 2016

On 12-31-14	On 12-31-15	On 12-31-16	On 12-31-17	% Decrease
107	107	108	100	1%

III. **SUPERVISION, 2017 inclusive**
 2016, 2015 and 2014 numbers provided for comparison

	2017	2016	2015	2014
Total active probation cases, supervised, Jan.-Dec.2017 inclusive	788	958	1,103	994
Driving Under Suspension cases Jan-Dec.2017, inclusive count & % of cases	450/27%	574/19%	465/42%	260/22%
Total inactive probation cases, Jan.-Dec. 2017, Inclusive	895	1,056	1,295	1,186
New active probation cases added in 2017:	382	422	720	615
New inactive probation cases Added in 2017:	471	553	802	751
2017 788	Number of active probation cases on 12-31-2017, Whose sentences included jail time, with % of caseload		23	3%
Number of probation cases (active/inactive), on 12-31-17, whose sentences also included jail time, with % of caseload	84	92	322	324
Percentage	5%	10%	30%	41%

IV. MAJOR OFFENSES OF PROBATIONERS on supervision, Dec. 31, 2017

	2017 Cases/%	2016 Cases/%	2015 Cases/%	2014 Cases/%	2013 Cases/%
Driving Under Suspension	450/27%	475/31%	143/20%	77/23%%	91/22%
Petty Theft	307/19%	280/18%	143/20%	69/21%	103/25%
Domestic Violence	81/5%	53/3%	22/3%	9/3%	11/2%
Assault	223/14%	335/26%	78/11%	34/10%	44/10%
OVI	348/21%	211/29%	211/29%	86/27%	63/15%
Menacing/Harassment	43/3%	44/3%	6/1%	2/1%	9/2%
Trespassing	24/1%	23/1%	8/1%	2/1%	4/1%
Other	207/12%	92/6%	109/15%	43/13%	94/23%

V. RESTITUTION/COMMUNITY SERVICE, 2017 inclusive
(2015, 2014, 2013 and 2012 total year numbers provided for comparison)

	2017	2016	2015	2014	2013
Restitution transferred to victims,	\$3,912	\$6,803	\$898	\$1,500	\$4,186
Community Service referred by Court to CCS	0	0	4	0	2
Total Community Service hours worked in Cleveland Heights non-profit agencies through CCS by all courts in county area.	2952	2,167.5	4,328	8,656	8,279
	2017	2016	2015	2014	2013
Total additional Community Service hours worked in Cleveland Heights, CCS Work: Crew litter collection.	689	984	1,041.5	584	353

Community Service/Public Works Referrals 2017

- As of December 31, 2017 the court referred **52** individuals to the Cleveland Heights Public Works Department. A total of **689** hours were completed.

Alternative to Jail/Home Detention Referrals:

- As of December 31, 2017, 11 defendants were referred to the Home Detention Program Sponsored by COURTMON. Each defendant paid a \$25.00 registration fee. Total fees collected \$275.00. These funds are used to assist in supporting indigent defendants referred to this and other community control based service providers.

A. Deane Buchanan, Judge
Georgeann Schmidt, Magistrate
Juanita Bryant, Court Administrator/Chief Bailiff
Sandra Draper Berry, Clerk

Larry Allen, Retired Assigned Judge
Mabel Jasper, Retired Assigned Judge

Russell Baron
Alan Kraus
Mark L Hoffman
James J. Costello
Acting Judge

Richard Baker, Court Security

Lawrence Jasper, Deputy Bailiff
Cassandra Jones, Deputy Bailiff
Virginia Journee', Deputy Bailiff
Eugene Thompson, Deputy Bailiff

William Gibson, Chief Probation Officer
Ernest Jones Jr., Probation Officer
Emily Stanley, Probation Officer
Clovice Ramsey, Probation Administrative Assistant

Karen Szekely, Chief Deputy Clerk
Lisa Walker, Chief Deputy Clerk
Arlene Frierson, Deputy Clerk
Antionette Jones, Deputy Clerk
Carole Motyka, Deputy Clerk
Lorraine Mumaw, Deputy Clerk
Kristy Napier, Deputy Clerk
Maria Parker, Deputy Clerk
Samira Parker, Deputy Clerk
Kimberly Rudolph, Deputy Clerk
Jasmine Vaughn, Deputy Clerk
Lora Watts, Deputy Clerk

The Municipal Court page on the city website can be reached at, <http://clevelandheightscourt.com/>. The Annual Report of the Shaker Heights Municipal Court can be accessed at, <http://www.shakerheightscourt.org/general/report.asp>.