

CITY OF STRUTHERS

Resolution

NO. 20-021

A RESOLUTION REGARDING WHETHER THE CURRENT ACCOMMODATIONS OF THE STRUTHERS MUNICIPAL COURT ARE SUITABLE TO THE EXTENT THAT THE STRUTHERS MUNICIPAL COURT HAS SUFFICIENT SPACE FOR ITS OPERATIONS AND DECLARING AN EMERGENCY.

WHEREAS, the Struthers Law Director's office consists of two separate rooms and is located in Room 2 of the City Hall Building, which is adjacent to the chambers for the Judge of the Struthers Municipal Court;

WHEREAS, the Clerk of the Struthers Municipal Court is located in Room 1 of the City Hall building and consists of two separate rooms;

WHEREAS, there is a separate room used as the chambers for the Judge of the Struthers Municipal Court;

WHEREAS, the Probation Department for the Struthers Municipal Court occupies a separate room within the City Hall building;

WHEREAS, the Struthers Municipal Court has asked to have the room in the Struthers Law Director's office immediately adjacent to the chambers for the Judge of the Struthers Municipal Court (the "Room");

WHEREAS, § 1901.36(A) of the Ohio Revised Code provides that "[t]he legislative authority of a municipal court shall provide suitable accommodations for the municipal court and its officers."

WHEREAS, although the Safety Service Director is responsible for maintaining and controlling the day-to-day operations within City Hall, this Council is not aware of any provision in the Ohio Revised Code addressing the executive branch's role in providing "suitable accommodations" for the municipal court; and

WHEREAS, in light of the duty imposed on the legislative authority by § 1901.36(A) of the Ohio Revised Code to provide the municipal court with "suitable accommodations", and the lack of any provision within the Ohio Revised Code addressing the executive branch's role in providing "suitable accommodations" for the municipal court, this Council finds that it is ultimately responsible for deciding whether the Struthers Municipal Court's accommodations are "suitable", subject to any right, power, or authority of the Struthers Municipal Court to order, challenge, appeal, or otherwise contest this Council's determination as provided by law.

THEREFORE, BE IT RESOLVED by the City Council of the City of Struthers, Ohio $\frac{3}{4}$'s of all members elected thereto concurring:

SECTION 1: This Council finds and concludes that the Struthers Municipal Court presently has "suitable accommodations" to the extent that it has sufficient space for its operations and that the Struthers Municipal Court does not require additional space for its accommodations to be "suitable". However, this Council further finds that, notwithstanding this determination that the Struthers Municipal Court's current accommodations are "suitable" to the extent that it has sufficient space for its operations, the administration may give the Room to the Struthers Municipal Court with the consent of the Law Director and approval of the Safety Service Director.

SECTION 2: It is hereby found and determined that all formal actions of this Council concerning and relating to the adoption of this Resolution were passed 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 § 121.22 of the Ohio Revised Code.

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SECTION 3: This Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety of the citizens of the City of Struthers and, provided that it is elevated to emergency status by the affirmative vote of at least five members of council and receives the affirmative vote of at least five members of council upon final passage, it shall go into full force and effect and immediately after its passage; otherwise, it shall take effect at the earliest period allowed by law.

PASSED IN COUNCIL THIS 16th DAY OF July, 2020.

Megan R. Shorthouse
CLERK OF COUNCIL

Robert D. Burnside
PRESIDENT OF COUNCIL PRO TEM

FILED WITH THE MAYOR THIS 16th DAY OF July, 2020.

Megan R. Shorthouse
CLERK OF COUNCIL

APPROVED BY THE MAYOR THIS 16th DAY OF July, 2020.

Catherine Cercone Miller
MAYOR

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DATE: 07/23/2020-07/300/2020

Megan R. Shorthouse
CLERK OF COUNCIL