

ORDINANCE NO.: 35 -2008
INTRODUCED BY: Gambatese

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH THE CUYAHOGA COUNTY JUVENILE COURT IN CONNECTION WITH A COMMUNITY DIVERSION PROGRAM TO ADDRESS JUVENILE MISDEMEANOR AND STATUS OFFENDERS IN THE CITY OF RICHMOND HEIGHTS, ESTABLISHING A COMMUNITY DIVERSION PROGRAM FUND AS A SPECIAL REVENUE FUND; AND DECLARING AN EMERGENCY.

WHEREAS, Ohio Revised Code Chapter 2151 and the Rules of Juvenile Procedure give general authority for the Cuyahoga County Juvenile Court to establish legal mechanisms to divert complaints before they are filed for formal court action, while protecting the constitutional due process rights of accused juveniles; and

WHEREAS, Ohio Revised Code Section 2151.11 permits the Cuyahoga County Juvenile Court to participate with other public agencies in programs which have as their objective the prevention and control of juvenile delinquency; and

WHEREAS, the Cuyahoga County Juvenile Court desires to promote and develop a Community Diversion Program to address juvenile misdemeanor and status offenders, in order to divert youths who are juvenile offenders involving misdemeanor and status offenses from formal court action and to utilize community resources to ameliorate such situations; and

WHEREAS, the Cuyahoga County Juvenile Court has agreed to develop and implement a Community Diversion Program for misdemeanor and status offense complaints against juveniles in the City of Richmond Heights for offenses that are committed elsewhere by Richmond Heights residents; and

WHEREAS, this Council desires to enter into an agreement with the Cuyahoga County Juvenile Court to assist the City in addressing juvenile misdemeanor and status offenses, and to request financial assistance thereunder;

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Richmond Heights, State of Ohio, that:

Section 1: The Mayor is hereby authorized to enter into an Inter-agency Agreement with the CUYAHOGA COUNTY JUVENILE COURT to assist the City in addressing juvenile misdemeanor and status offenses and to request financial assistance in connection with a Community Diversion Program established by the Cuyahoga County

Juvenile Court, a copy of which is attached hereto as Exhibit "A" and incorporate herein by reference, which is in all respects hereby approved.

Section 2: There shall be and is hereby established the "Community Diversion Program Fund" as a special revenue fund of the City to process all receipts and expenditures in connection with this Program.

Section 3: Funds received from the Cuyahoga County Juvenile Court in connection with the Community Diversion Program shall be placed in the Community Diversion Program Fund; and any local funds necessary to carry out the Community Diversion Program shall be paid from the Community Diversion Program Fund.

Section 4: It is 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 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.

Section 5: This Ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, property, health, safety and welfare of the City, and for the further reason that it is immediately necessary to participate with the Cuyahoga County Juvenile Court in the Community Diversion Program to assist the City in dealing with juvenile misdemeanor and status offenses; therefore, provided this Ordinance receives the affirmative vote of five members of Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise from and after the earliest period allowed by law.

PASSED: _____

Daniel J. Ursu, Mayor

APPROVED: _____

ATTEST: _____

Betsy Traben
Clerk of Council

David H. Roche
President of Council

INTER-AGENCY AGREEMENT

This Agreement entered into this _____ day of _____, 2008
by and between City of Richmond Heights (Community Diversion Program)
(hereinafter called the PROGRAM) and the Cuyahoga County Juvenile Court
(hereinafter called the COURT).

Whereas the COURT desires to promote and develop the Community Diversion Program (hereinafter called CDP) to address juvenile misdemeanor and status offenders.

Whereas the PROGRAM, within the COURT'S Community Diversion Program system, desires to utilize community resources to address juvenile misdemeanor and status offenders within the PROGRAM.

Now therefore, the parties mutually agree as follows:

BACKGROUND

The general purpose sections of the Ohio Revised Code (Chapter 2151.01) and Rules of Juvenile Procedure (Juv R 1(B) and Juv R 9) give general authority for the COURT to establish legal mechanisms to divert complaints before they are filed for formal court action while protecting the Constitutional due process rights of the accused juvenile. Ohio Revised Code section 2151.11 states that "a juvenile court may participate with other public or private agenciesin programs which have as their objective the prevention and control of juvenile delinquency."

PROGRAM OBJECTIVE

The purpose of CDP is to divert youth who are juvenile offenders of misdemeanor and status offenses from formal court action and to utilize community resources to ameliorate the situations.

SCOPE OF SERVICES

The PROGRAM agrees to develop and implement the CDP or utilize another COURT-approved CDP to hear misdemeanor and status offense complaints that occur in Richmond Heights or are committed elsewhere by Richmond Heights residents. Attachment A identifies some

The PROGRAM will be developed and implemented according to standards developed by the COURT, which include, but are not limited to:

1. a) The CDP will have access to at least one Volunteer Magistrate.
- b) A Volunteer Magistrate may be the mayor of the community, a police officer of the community, or an attorney in good standing, licensed by the State of Ohio or employed by the federal government, and approved by the COURT.

EXHIBIT A

- c) Any Volunteer Magistrate shall complete the orientation program provided by the COURT.
- 2. The COURT has reviewed and approved the CDP procedures to be implemented by the PROGRAM.
- 3. The PROGRAM has a confidential filing system.

FUNDING

Monthly Financial Assistance

Should the PROGRAM need financial assistance, the COURT is able to commit up to \$ 12,000.00.

- The PROGRAM declines monthly financial assistance from the COURT.
- The PROGRAM requests monthly financial assistance from the COURT in the amount of \$1000.00/mo. The PROGRAM agrees to submit a monthly invoice provided by the COURT by the first (1st) day of each month requesting the previous month's stipend.

Any funding received by the PROGRAM for the purpose of CDP is subject to verification and approval by the COURT prior to the disbursement of funds. All funds disbursed to the PROGRAM from the COURT shall be audited and monitored by the COURT. Failure to provide adequate or substantial verification of receipt and expenditure of FUNDS shall result in the COURT discontinuing funding. Should the COURT discontinue funding, the PROGRAM must reimburse all remaining funds for which substantial documentation of receipt or expenditure cannot be produced.

REPORTING REQUIREMENTS

The PROGRAM agrees to furnish to the COURT by the first (1st) day of each month the monthly CDP Database Report completed in its entirety for each child diverted during the previous month. For example, all data on diversion hearings occurring in January must be reported by February 1. This data includes, but is not limited to, the type of offense committed by the child and information pertaining to the outcome (sanctions and services) of the diversion hearing. The PROGRAM will report this data to the COURT using the Access database format established by the COURT. The COURT will supply the PROGRAM with a database disk. Failure to report the data by the first (1st) day of each month or to follow the Access database format is grounds for discontinuing funding and jeopardizes future eligibility for funding.

Information reported in the database will be used for statistical and financial analysis only. Access to this information will be restricted by the COURT.

PROGRAM REVIEW

The COURT shall have access to CDP records and information for review and discussion of CDP activities with the PROGRAM staff, individual youth and/or families.

PROGRAM**CONTACT PERSON:**

Name: Denise Deblase
Title: Sergeant
Address: 27201 Highland Rd.
Richmond Heights, OH 44143
Phone: 216-486-1234
Federal Tax ID#:
Vendor #:

COURT**CONTACT PERSON:**

Name: Heather Corcoran
Title: CDP Program Manager
Address: 3343 Community College
Cleveland, OH 44115
Phone: 216-443-8428

TERM

The terms and conditions of this inter-agency agreement will be in full force and effect January 1, 2008. Funding terms and conditions as set forth herein will terminate on December 31, 2008. The COURT reserves the right to change any other terms and conditions with 30 days written notice to the PROGRAM.

TERMINATION

This agreement may be terminated by the COURT/PROGRAM upon thirty (30) days written notice to the PROGRAM/COURT.

Authorized Signor for the PROGRAM

Witness

Court Administrator for the
Cuyahoga County Juvenile Court

Witness