

RESOLUTION NO. 2023 – 39

A RESOLUTION TO APPROVE AUTHORIZATIONS (THEN AND NOW CERTIFICATE) TO LAKE COUNTY TREASURER IN THE AMOUNT OF \$4,395.43 FOR THE CITY OF WILLOWICK, AND DECLARING AN EMERGENCY.

WHEREAS, Ohio Revised Code 5705.41(D)(1) provides that if prior certification of funds by the Fiscal Officer was not obtained before the contract or order involving the expenditure of money was made, then the Fiscal Officer may instead certify; and

WHEREAS, that there was at the time of the making of such contract or order and at the time of the execution of such certificate, a sufficient sum appropriated for the purpose of such contract and in the treasury or in process of collection to the credit of an appropriate fund, free from any previous encumbrances; and

WHEREAS, the Fiscal Officer is accordingly certifying that there were appropriations available and funds in the treasury or in the process of collection at the time the contract or order was made (then), and there are still sufficient appropriations and funds in the treasury or in the process of collection at the time the certificate is being issued (now); and

WHEREAS, the amount of the certificate exceeds \$3,000.00.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Willowick, County of Lake, and State of Ohio that:

Section 1. It is hereby certified that both at the time of the making of the attached contract(s) or order(s) and at the date of execution of this certificate, the amount of funds required to pay this contract(s) or order(s) has been appropriated for the purpose of this contract or order, attached hereto, and is in the treasurer or in the process of collection to the credit of the fund free from any previous encumbrances.

Section 2. It is found and determined that all formal actions of this Council concerning and relating to the passage of this Resolution were conducted in an open meeting of this Council and that all deliberations of this Council and any of its committees that resulted in such actions were conducted in meetings open to the public in compliance with all legal requirements including Chapter 123 of the Codified Ordinances of the City of Willowick.

Section 3. This Resolution constitutes an emergency measure in that the same provides for the immediate preservation of the public peace, health, safety and welfare of the inhabitants of the City of Willowick; and so that the certificate meets the timeliness requirement of the Ohio State Auditor; wherefore, this Resolution shall be in full force and take effect immediately upon its passage by Council and approval by the Mayor.

PASSED: SEP 05, 2023



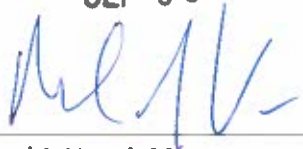
Monica Koudela, Council President

SUBMITTED to the Mayor for his approval
on SEP 05, 2023

ATTEST:

Christine Morgan, Clerk of Council

APPROVED by the Mayor on
SEP 05, 2023


Michael J. Vanni, Mayor

INVOICE

Payable to The Lake County Treasurer
105 Main Street
Painesville, OH 44077

Willowick Itemized List							
CaseID	CaseNumber	Fee ID	FeeCode	CaseStatus	FileDate	AmountPaid	Agency
649321	20TRD04330	1107	FINESTATE	CLOS	11/13/2020	\$35.00	WILLOWICK POLICE DEPARTMENT
649876	20CRB02570	1107	FINESTATE	CLOS	12/2/2020	\$100.00	WILLOWICK POLICE DEPARTMENT
650888	21CRB00096	1107	FINESTATE	CLOS	1/19/2021	\$150.00	WILLOWICK POLICE DEPARTMENT
651893	21CRB00337	1107	FINESTATE	CLOS	2/16/2021	\$150.00	WILLOWICK POLICE DEPARTMENT
654227	21CRB00877	1107	FINESTATE	CLOS	4/12/2021	\$100.00	WILLOWICK POLICE DEPARTMENT
655075	21CRB01018	1107	FINESTATE	CLOS	5/4/2021	\$100.00	WILLOWICK POLICE DEPARTMENT
657621	21CRB01512	1107	FINESTATE	CLOS	6/28/2021	\$6.00	WILLOWICK POLICE DEPARTMENT
658155	21CRB01620	1107	FINESTATE	CLOS	7/9/2021	\$100.00	WILLOWICK POLICE DEPARTMENT
658352	21TRD03546	1107	FINESTATE	CLOS	7/12/2021	\$100.00	WILLOWICK POLICE DEPARTMENT
658580	21CRB01710	1107	FINESTATE	CLOS	7/15/2021	\$150.00	WILLOWICK POLICE DEPARTMENT

654209	21TRC01694	1083	1OVIFINESTATE - DO NOT USE	CLOS	4/12/2021	\$300.00	WILLOWICK POLICE DEPARTMENT
656958	21TRC02805	1085	2OVIFINESTATE - DO NOT USE	CLOS	6/11/2021	\$185.00	WILLOWICK POLICE DEPARTMENT
662094	21TRC05529	1083	1OVIFINESTATE - DO NOT USE	CLOS	10/7/2021	\$175.00	WILLOWICK POLICE DEPARTMENT
667534	22TRC01133	1168	1STOVIFINESTATE	CLOS	3/7/2022	\$79.43	WILLOWICK POLICE DEPARTMENT
					TOTAL	\$1,847.43	
					OVERALL TOTAL	\$4,395.43	

Cheryl Benedict

From: Chris Simon <simonc@willoughbycourt.com>
Sent: Wednesday, August 9, 2023 12:16 PM
To: Cheryl Benedict
Cc: Samantha Birnbaum, Heidi Collins
Subject: RE: Overpayment of fines to Cities - October 2020 to May 2022
Attachments: INVOICE - Willowick.pdf

Cheryl..... the money isn't due to the Court. The money is due to Lake County. The other cities have been paying the Lake County Treasurer directly. If you need an invoice to do so, I've attached what I've given to other cities for this purpose. Please let me know if this works.

Christopher J. Simon

Court Administrator/Clerk of Court
Willoughby Municipal Court – Judge Marisa Cornachio

From: Cheryl Benedict [mailto:cbenedict@cityofwillowick.com]
Sent: Wednesday, August 9, 2023 11:02 AM
To: Chris Simon <simonc@willoughbycourt.com>
Cc: Samantha Birnbaum <birnbaums@willoughbycourt.com>; Heidi Collins <CollinsH@willoughbycourt.com>
Subject: RE: Overpayment of fines to Cities - October 2020 to May 2022

ATTENTION: This email came from an external source. Do not open attachments or click on links from unknown senders.

Good Morning Christopher,

I'm just following up on this because it appears we haven't paid the Court this money yet. Will we be receiving an actual invoice for this?

Thank you,
Cheryl

Cheryl Benedict

Finance Director
City of Willowick
30435 Lakeshore Blvd.
Willowick, OH 44095

From: Chris Simon [mailto:simonc@willoughbycourt.com]
Sent: Friday, June 30, 2023 1:07 PM
To: Cheryl Benedict <cbenedict@cityofwillowick.com>
Cc: Samantha Birnbaum <birnbaums@willoughbycourt.com>; Heidi Collins <CollinsH@willoughbycourt.com>
Subject: RE: Overpayment of fines to Cities - October 2020 to May 2022

Understood. And thank you.

Christopher J. Simon

Court Administrator/Clerk of Court

process was performed. However, after arriving at the Court and being made aware of some of the issues that were occurring with conversion, it was clear that not all of the data converted correctly. While this is not unusual in system conversions, nonetheless it causes issues for both direct and indirect users of the system.

In the fall of 2021, roughly one year after the go-live date of the new CMS, it was discovered that the dollars that should have been earmarked for Lake County were not being sent. This determination was made especially difficult as all Courts were just starting to emerge from the COVID pandemic and an extreme reduction in its overall case filings resulting in lower revenue. After several months of research it was learned in May 2022 that an incorrect configuration of court fees during conversion resulted in several local communities within the Court's jurisdiction receiving dollars that should have gone to Lake County. The incorrect configuration was then fixed and the proper funds have been dispersed since this time.

During all this time, I have been in contact with some Lake County offices including the Lake County Prosecutor's Office. They have been inquiring about this issue and when they could expect payment. In order to let the County know when they could expect payment, the Court had to research thousands of cases that were processed between October 2020 and May 2022. After much research, in late Spring 2023, a final amount was determined. The total amount owed to Lake County by Willoughby Municipal Court over this 20 month period is \$45,753.98. This total is dispersed amongst several different cities. Attached to this email, you will find the amount owed by your City to Lake County as well as an explanation about how this issue began and how the Court was able to determine what was owed.

The Court has come up with two options for the City to reimburse the County. First, the City could decide to pay the entire amount to the County by directly paying one lump sum payment. For this option, the Court does not need to be involved. Second, the City could decide to have their monthly payment from the Court reduced by 10% each month. The Court would then pay the City their allotment minus the 10%. This 10% would go to the County each month until the full amount owed was paid. In most cases, we believe this will take one year or less.

I realize this is not the best news. I apologize for the inconvenience of all this, but I'm just looking to resolve this issue as quickly and as painlessly as possible. Please let me know if you have any questions and please let me know if you wish to discuss this matter more specifically. Also, if you know how you would like to handle this matter, please let me know and I will inform the Lake County Prosecutor's Office accordingly.

Christopher J. Simon

Court Administrator/Clerk of Court
Willoughby Municipal Court – Judge Marisa Cornachio
4000 Erie Street
Willoughby, OH 44094
440-953-4180

