

ORDINANCE NO. 2008-411

SPONSOR Mr. Pry

DATE October 20, 2009

COMMITTEE Rules

**An Ordinance amending Chapter 136 of the Codified Ordinances of the County of Summit by enacting Section 136.05 entitled "Use of Funds Deposited Into Coroner's Laboratory Fund" to provide for the usage of said fund for any associated costs incurred in the administration of autopsies for other county coroners, for the Executive's Department of the Medical Examiner, and declaring an emergency.**

WHEREAS, Sections 313.16 and 313.161 of the Ohio Revised Code provide that the Medical Examiner may perform autopsies for coroners of other Counties in certain situations and further provides that the Medical examiner may charge the other counties the cost of the actual value of the services of technicians ("personnel costs") and the materials used in the examination ("supplies and equipment costs"); and

WHEREAS, despite incurring both personnel costs and supplies and equipment costs in the performance of said autopsies, said Sections provide that the fees collected must be placed into a separate coroner's laboratory fund that can then only be used for the supplies and equipment costs of the Medical Examiner's laboratory; and

WHEREAS, as a result of the above-mentioned limitations on the use of said fees, the coroner's laboratory fund has a surplus of funds, while the general fund is used to pay for the personnel costs incurred by the County in performing said autopsies; and

WHEREAS, House Bill 471 is currently pending before the Ohio House of Representatives, which would, in pertinent part, amend Section 313.16 of the Ohio Revised Code, to allow for the payment of any costs associated with the performance of said autopsies out of the coroner's laboratory fund; and

WHEREAS, under the County's home rule authority, pursuant to Section 3, Article X of the Ohio Constitution, this Council desires to modify the statutory distribution of the coroner's laboratory fund prior to action by the State; and

WHEREAS, this Council, after reviewing all pertinent information, finds and determines that it is necessary and in the best interest of the residents of the County of Summit to enact Section 136.05 of the Codified Ordinances of the County of Summit, entitled "Use of Funds Deposited Into Coroner's Laboratory Fund" to provide for the usage of the coroner's laboratory fund for any associated costs incurred in the administration of autopsies for other county coroners.

NOW THEREFORE, BE IT ORDAINED, by the Council of the County of Summit, State of Ohio, that:

#### SECTION 1

Section 136.05 of the Codified Ordinances of Summit County is hereby enacted, and shall read as follows:

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SECTION 1 (Cont.)

"136.05 USE OF FUNDS DEPOSITED INTO CORONER'S LABORATORY FUND

Funds deposited into the coroner's laboratory fund as a result of the Medical Examiner performing autopsies for coroners of other counties, as set forth in Sections 313.16 and 313.161 of the Ohio Revised Code, may be used for any associated costs incurred in the administration of said autopsies by the Medical Examiner."

SECTION 2

This Ordinance is hereby declared an emergency in the interest of the health, safety and welfare of the citizens of the County of Summit and for the further reason to immediately expand the items that may be paid for using the coroner's laboratory fund.

SECTION 3

Provided this Ordinance receives the affirmative vote of eight members, it shall take effect immediately upon its adoption and approval by the Executive; otherwise it shall take effect and be in force at the earliest time provided by law.

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,

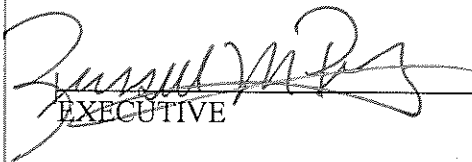
INTRODUCED September 29, 2008

ADOPTED October 20, 2009

  
CLERK OF COUNCIL

  
PRESIDENT OF COUNCIL

APPROVED October 21, 2008

  
EXECUTIVE

ENACTED EFFECTIVE October 21, 2008

Voice Vote: 10-0 YES: Comunale, Crawford, Crossland, Heydorn, Kostandaras, Poda, Prentice, Schmidt, Shapiro, Smith ABSENT: Congrove