



## SPECIAL POINTS OF INTEREST:

- **Summit County Land Bank**—working to make our community better.
- **Sunshine Law meetings**—working to keep you informed
- **Ohio Supreme Court rules on custody issue**

SUMMIT COUNTY  
PROSECUTOR'S  
OFFICE

CRIMINAL DIVISION

CIVIL DIVISION

TAX DIVISION

APPELLATE DIVISION

VICTIM SERVICES

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## Summit County Land Bank



On the edge of a street sits a brown brick two-story house with boarded up windows and doors. The siding on the porch could use a fresh coat of paint. Broken chairs, spare tires and ripped up clothing cover the overgrown lawn. Next door neighbors see teenagers and homeless people going in and out of the abandoned house; and they fear criminal activity is taking place within the ruined structure.

We have all seen this image; some of us may even live next to one of these blighted, vacant properties. Throughout the community, these abandoned structures sit vacant, forever awaiting a new owner, oftentimes consumed by crime. Not only do these properties serve as a hot bed for criminal activities, but neighbors and community members want them to be removed or dealt with accordingly. In order to combat the problem, our local government helped form the Summit County Land Reutilization Corporation, more commonly referred to as the Summit County Land Bank (SCLB).

The SCLB was created in 2012 and designated as an agent for the county in

the reclamation, rehabilitation and reutilization of abandoned, vacant, tax-foreclosed and other real properties throughout Summit County. Through grant funds and five-percent of the county's collection of delinquent taxes and assessments each year, the SCLB has assisted in the removal of nearly 1,000 abandoned and blighted structures across the county.

Between 2012 and 2014, those properties were demolished through \$3.78 million in match funding from the office of the Ohio Attorney General for the Moving Ohio Forward Demolition Grant Program. Local communities provided approximately \$1.8 million in match funding with the SCLB putting in the remaining \$1.4 million in match funding. In 2014, the Ohio Housing Finance Agency awarded the SCLB an additional \$2 million for the Neighborhood Initiative Program, a similar residential demolition program, in the hopes of steadying local property values. With these funds, the SCLB will be able to demolish an additional 200 abandoned properties in four target communities—Akron, Barberton, Springfield and Lakemore.

With support and direction from local communities, and the Summit County Prosecutor's Office, the SCLB serves as a resource to

# Sunshine Laws & Open Meetings



The Purpose of Ohio's Sunshine Laws is to ensure the public has broad access to government meetings and records. The Sunshine Laws are broken into two categories: Public Records Act and Open Meetings Act. This article will focus on summarizing and clarifying various aspects of the Open Meetings Act.



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The Open Meetings Act tasks public officials with the obligation and responsibility to take official action and conduct meetings of official business in forums that are open to the public. Only public entities fall under the scope of the act.

## Public Officials and Public Bodies

The term public official has been interpreted to mean any person serving on any board, council, and any legislative authority or decision-making body of any political sub-division.

Committee and

subcommittees of these larger public bodies are also subject to the same obligations. Some examples of public officials or public bodies include: village counsels, a township board of zoning appeals, a passport administrative agency, and a designated community action committee.

When distinguishing between a public and private institution, Courts have often weighed factors such as the institution's acceptance of public tax funds, if the institution is created by law or public authority, and if the institution benefits the public in general. Other criteria that may be used to determine what constitutes a "public body" for purposes of the Act include: The manner in which the entity was created, name or title of the entity, and membership composition.

Some public bodies, such as The Ohio General Assembly and grand juries, are statutorily exempt from complying with the Open Meetings Act.

Not all communications

between public officials are subject to the requirements of the Open Meetings Act.

## Meeting

Three elements must be met for a meeting to be subject to the obligations of the Open Meetings Act. A meeting must be prearranged, attended by majority of the public body's members, for purposes of discussing official public business. The key factor seems to be the number of officials participating in a discussion. Courts have exempted one-on-one conversations between members and impromptu meetings where less than a majority of members is participating.

During an open meeting, the public body may exclude the public from specific discussions by adjourning into executive session. If a motion for executive session is approved by a quorum of the public, public officials may privately discuss issues such as certain personal matters, pending or imminent court action, or collective bargaining

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matters. Public bodies must provide notice to ensure that Ohioans have the best opportunities to participate in government. The dates and times of meetings must be publicized and communicated in a manner that will actually reach the public.

found online in the Ohio Auditor's Open Government Resource Manual at <https://ohioauditor.gov/open.html>



## DEFINITION OF CIVIL LAW

In addition to notification, Ohio's Open Meeting Act imposes a duty to timely record meetings in the form of minutes that provide enough information for the general public to understand the body's decision making process. A final version of board minutes must be approved and is made a public record. Public bodies have discretion in choosing the medium in which its minutes are kept. Some bodies use audio/visual recordings while others use print.

As part of Ohio's Sunshine Laws, the Open Meetings Act furthers public policy in favor of protecting Ohioans by ensuring the public has wide-ranging and unhindered access to local and state government decision making processes.

In the event there is a suspected violation of Ohio's Open Meetings Law, any person, other than a state or government official has the right to file suit in common pleas court to enforce the Act. Some remedies available include: Injunctive relief, mandatory civil forfeiture, and awards of court costs and attorney fees.

More information on Ohio's Sunshine Laws can be

<p><b>T</b>he clearest, strongest version of the civil/criminal distinction goes something like this</p> <p><b>A</b> civil action is brought by a private, injured party to seek compensation for unintentional harm unlawfully caused by another party, whereas a criminal action is brought by the state to punish a defendant for a deliberate offense against the community.</p> <p><b>C</b>ivil actions are pursued in civil courts and are governed by rules of</p>	<p>civil procedure and by a few special constitutional provisions relating to civil cases, whereas criminal actions are pursued in criminal courts and are governed by rules of criminal procedure and by a larger number of special constitutional provisions relating to criminal cases.</p>
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# Ohio's Supreme Court Rules on Child Custody



## Juvenile Court Laws and Rules Do Not Mandate Dismissal of Case for Venue Defect

*all juvenile courts in the state have jurisdiction based on the subject – and not venue – in cases where a parent fails to adequately care for their children.*

In Ohio, the juvenile courts are statutory courts that were created by the General Assembly. When the General Assembly created the juvenile courts, it made it clear that the primary purpose of the juvenile courts was to provide for the care, protection, and mental and physical development of children.” R.C. 2151.01(A).

Juvenile courts are specialty courts. As such, the juvenile courts have limited jurisdiction and may only exercise the authority conferred upon them by the General Assembly. State law specifies whether a court has the jurisdiction, or the authority, to hear and decide a case, based on the particular subject matter of the case. In Ohio, pursuant to the Ohio Revised Code, all juvenile courts in the state have subject-matter jurisdiction over dependency, neglect, and abuse cases. R.C. 2151.23(A)(1). As such, all juvenile courts in Ohio have the authority or power to hear dependency, neglect and abuse cases. Juvenile courts also determine issues of paternity, custody and child support matters involving children who are born out of wedlock, or in actions where no action for divorce, dissolution or legal separation has been filed in a

applicable domestic relations court.

Separate and distinct from the legal concept of jurisdiction is venue, which refers not to the power to hear a case but instead to the geographic location where the case should be heard. In Ohio, the General Assembly set forth venue directives in R.C. 2151.27(A)(1). These venue provisions are directives and are not mandatory. Therefore, a failure to satisfy these statutory venue directives does not control the jurisdiction of the juvenile courts. In other words, a defect in venue does not negate the juvenile court’s jurisdiction over dependency, neglect, or abuse cases.

In addition, juvenile courts possess wide discretion, which includes the ability to correct a defect in venue by transferring a case to the proper venue. To require instead that a juvenile must dismiss a complaint filed in an improper venue, would be inconsistent with the latitude typically granted to the juvenile courts and with the General Assembly’s intention in creating the juvenile courts.

The Supreme Court of Ohio recently examined the issues of jurisdiction and venue within the context of dependency, neglect, and abuse cases. In doing so, the Court held that the state law and juvenile





court rules governing where a dependency case should be heard provide direction to a juvenile court but do not remove the court's authority to hear the case when a possible venue problem exists. *In re Z.R.*, slip opinion 2015-Ohio-3306. In its decision, the Court noted that there is strong public-policy to support its decision. *In re Z.R.*, slip opinion 2015-Ohio-3306, at ¶ 29.

As a matter of public policy, it is important to note, that, if juvenile courts were required to dismiss a complaint when there was a venue defect in a dependency,



neglect, or abuse complaint, parents might attempt to avoid oversight by deliberately moving their abused, neglected, or dependent children from one county to another in order to avoid adjudication. *In re Z.R.*, slip opinion 2015-Ohio-3306, at ¶ 28. Furthermore, such a holding "would ignore the reality that families often have to move from one county to another to

secure housing or employment, or for other legitimate reasons. Failure to recognize and allow for the sometimes transient patterns of people involved with our state's children services bureaus cannot be the result the General Assembly intended for R.C. 2151.27(A)(1), as it would directly undermine the juvenile court system's ability to protect children." *In re Z.R.*, slip opinion 2015-Ohio-3306, at ¶ 28. Therefore, the Court concluded that "the statute and rule governing venue do not control the jurisdiction of a juvenile court and that a dismissal for improper venue therefore cannot be entered on jurisdictional grounds." *In re Z.R.*, slip opinion 2015-Ohio-3306, at ¶ 11.

The Supreme Court's holding that, in cases where a parent fails to adequately care for their children, all juvenile courts in the state have jurisdiction based on the subject, rather than venue, in helping child protective agencies ensure that children who bounce from home to home, and are not given what they need to survive, are protected. Summit County Children Services and the Summit County Prosecutor's Office fight to make sure that these children do not fall through the cracks. I am very pleased with the Supreme Court's decision and hope this will help in giving these children a brighter future.

# Summit County Land Bank (continued)



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blighted property. In addition to any grant funding it receives, the SCLB receives its primary operating funds from the county's collection of delinquent taxes and assessments through the Delinquent Tax and Assessment Collection Fund (DTAC). "The feedback we have received from the community has been overwhelmingly positive. Residents are excited that we are helping them take back their neighborhoods," says Patrick Bravo, the first executive director of the Summit County Land Bank.

In the closing of his first year as Executive Director of the Land Bank, Bravo strongly believes in the work that the SCLB does and works tirelessly to establish the organization as a resource for the community. "I want the Land Bank to be seen as a tool to revitalize our neighborhoods and work together to improve the overall community."

On December 11, 2015, the SCLB demolished its first property. "Demolition will not necessarily always be our highest priority," Bravo stated. Instead, the organization is working to create programs and partnerships that will help revitalize the

community at the neighborhood level. Moreover, community members have expressed interest in using the newly vacant property to create community gardens, pocket parks and recreation areas to strengthen community development.

In addition to its current focus on removing blighted

properties, the SCLB also has grant funds available to local communities and qualified nonprofits. In 2014, the SCLB awarded nearly \$1.24

million in discretionary grant funds to communities and nonprofits for a variety of projects, including renovation projects. This year, the SCLB expects to award nearly \$1 million in discretionary and matching grant funds to local communities and nonprofits. Interested applicants are encouraged to visit the SCLB website for information on grant programs, available funds, and application deadlines. Information can be found at [www.summitlandbank.org](http://www.summitlandbank.org).

"This year, our board also approved a 'Side Lot Program,' where residents seeking to purchase vacant land can apply to the Land Bank and request that the Land Bank acquire the vacant property and sell it to the applicant," Bravo said. The application is now available and will be posted on the SCLB website. The SCLB began approving applications in

September. Bravo hopes programs like this will aid in returning vacant property back to productive tax use.

The SCLB is governed by a seven-member board of directors and has four, full-time staff including Bravo. But, even with a small staff, Bravo believes that, "the possibilities are endless in regard to what we can achieve for our community."

Neighbors are encouraged to contact their local community if they are concerned about an abandoned, vacant or blighted property in their area. The SCLB works closely with local communities in Summit County. For more information, call the Summit County Land Bank at (330).643.2546 or visit the agency's website—[www.summitlandbank.org](http://www.summitlandbank.org).



Patrick Bravo



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