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# OHIO LEGISLATIVE SERVICE COMMISSION

Office of Research  
and Drafting

Legislative Budget  
Office

H.B. 518  
134<sup>th</sup> General Assembly

## Fiscal Note & Local Impact Statement

[Click here for H.B. 518's Bill Analysis](#)

**Version:** As Reported by House Civil Justice

**Primary Sponsor:** Rep. Hoops

**Local Impact Statement Procedure Required:** No

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### Highlights

- Beginning January 1, 2024, the bill's elimination of the Fulton County County Court and creation of the Fulton County Municipal Court will result in an annual net savings of nearly \$23,000 plus commensurate fringe benefits on the state and county salary obligations. These savings are the result of the elimination of two part-time judgeships and the creation of a single judgeship.
- The bill creates a potential cost savings effect on the Hamilton County Municipal Court by not requiring the presiding judge of the Hamilton County Municipal Court to assign two or more of the judges of the court to sit outside Cincinnati.
- The bill may result in a minimal increase in the volume of cases in the housing division of the Toledo Municipal Court (increase in workload-related expenses and revenues in the form of court costs, fines, and fees) and a decrease in the volume of cases in the Lucas County Court of Common Pleas (decrease in workload-related expenses and revenues in the form of court costs, fines, and fees).

### Detailed Analysis

The bill makes changes to three local court jurisdictions in the state. The descriptions of the changes and resulting fiscal effects are described in detail below.

#### Fulton County Municipal Court

The bill: (1) eliminates the Fulton County County Court, with two part-time judges, (2) establishes the Fulton County Municipal Court, with a single full-time judge, and (3) provides that the full-time judge will be seated in Wauseon with a branch office established in Swanton, which mirrors the current geographic organization for the county court.

This change will result in a savings for the county and the state in terms of certain compensation costs for the judges, as shown below.<sup>1</sup> Beginning in January 2024 (the year that the new municipal court will begin operation), these changes are expected to save the state \$14,652 annually plus accompanying fringe benefits on expenditures related to the state share of judgeship salary costs. Fulton County will net an expenditure savings of \$8,250 annually plus accompanying fringe benefits for its local share of those costs. It should be noted that some of these savings will begin to occur earlier than January 2024, as one of the current part-time judges in the Fulton County County Court is retiring and the seat will be left vacant until January 2024. That judge is anticipating retiring in December 2023.

### **Judicial compensation-related costs**

The bill will eliminate the two part-time judges serving in the Fulton County County Court and abolishes that court effective January 2024. The newly established Fulton County Municipal Court will have one full-time judge seated in Wauseon with a branch office in Swanton. Under the current court, Fulton County has two divisions with one judge sitting in Wauseon and one sitting in Swanton. This existing structure will be maintained, so no additional capital or office space costs are anticipated.

The table below compares the costs between two part-time county court judges and a single full-time municipal court judge and the breakdown between the local and state share. Salaries are set in statute with a part-time judge expected to earn \$87,140 per year (in 2024) plus benefits and a municipal court judge earning \$151,378. While there may be some incidental administrative costs related to the transition (i.e., updates to stationary, signage, and the court's website), these are not expected to be significant and will be more than offset by the salary savings.

<b>Base Salary Costs for Two County Court Judges versus One Municipal Court Judge, CY 2024</b>			
<b>Cost</b>	<b>Two Part-Time County Court Judges</b>	<b>One Full-Time Municipal Court Judge</b>	<b>Net Annual Savings</b>
Local Share	\$70,000	\$61,750	\$8,250
State Share	\$104,280	\$89,628	\$14,652
<b>Total</b>	<b>\$174,280</b>	<b>\$151,378</b>	<b>\$22,902</b>

### **Special deputy clerk**

Currently, in Fulton County, there is a court clerk for each of the county court divisions. For each compensation is set by the county legislative authority and paid from the county treasury. Fulton County has a population of less than 100,000 people, so, under continuing law, the municipal court established by the bill will require one clerk to be appointed by the court with compensation set by the presiding judge and paid from the county treasury. The bill

<sup>1</sup> Compensation is set by statute and split between the state (Ohio Supreme Court) and the local jurisdiction. Certain fringe benefits are also split, for example OPERS (Ohio Public Employees Retirement System).

additionally requires a special deputy clerk to be appointed for the branch office in Swanton. Compensation for a special deputy clerk is set by the payroll administrator and paid by the county. Given the county court already has two clerks, and the bill requires the appointment of a special deputy clerk, it is likely that the Fulton County Municipal Court will continue this arrangement.<sup>2</sup>

## **Hamilton County Municipal Court**

The bill makes it permissive, instead of mandatory, for the presiding judge of the Hamilton County Municipal Court to assign two or more of the judges of that court to sit outside Cincinnati. This provision has no direct fiscal effect on the state, and creates the potential for a cost savings effect on the Hamilton County Municipal Court as it can utilize existing resources.

## **Toledo Municipal Court housing division**

The bill expands the jurisdiction of the housing division of the Toledo Municipal Court within its territory include any review or appeal of any final order of any administrative officer, agency, board, department, tribunal, commission, or other instrumentality that relates to a local building, housing, air pollution, sanitation, health, fire, zoning, or safety code, ordinance, or regulation, in the same manner and to the same extent as in similar appeals in the court of common pleas. Additionally, the bill grants the housing division of the Toledo Municipal Court concurrent jurisdiction in all criminal actions related to air, ground, and water pollution.

The bill may result in a minimal increase in the volume of cases in the housing division of the Toledo Municipal Court (increase in workload-related expenses and revenues in the form of court costs, fines, and fees) and a decrease in the volume of cases in the Lucas County Court of Common Pleas (decrease in workload-related expenses and revenues in the form of court costs, fines, and fees). The number of cases shifting jurisdictions is expected to be relatively small in the context of those courts' overall caseloads.

According to representatives of the Toledo Municipal Court, it is likely the bill would not require additional resources. The housing division of the Toledo Municipal Court currently has the staff expertise and resources to handle the minimal number of additional cases that would be added to the court's caseload.

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<sup>2</sup> Under continuing law, the clerk of the court of common pleas may act as the clerk for the municipal court. In such a case, the clerk would receive a supplement of \$14,716 in 2024 for a county with a population of less than 55,000. This option is available to Fulton County, but seems unlikely to be pursued.