

ARTICLE III--THE COUNCIL

SECTION 3.01 ELECTION.

The Council shall be the legislative authority and taxing authority of the County and a co-equal branch of the County government with the executive branch. It shall consist of eleven members, who shall be nominated and elected as provided in this Charter and in the manner provided by general law for county officers. During their terms in office, Council members shall remain electors of the County and shall not hold or accept any other County office or be employed by the County and shall serve in a part-time capacity.

[Effective January 1, 2010]

SECTION 3.02 TERM OF OFFICE.

At the general election in 2010, the members of the Council shall be elected, one member from each of the eleven districts, six of such members for four-year terms and five of such members for two-year terms. Beginning with the 2012 general election, the term for each member of Council shall be four years. The term of office for all Council members shall begin on January 1 next following their election.

[Effective January 1, 2010]

SECTION 3.03 RESIDENCY REQUIREMENT.

A Council candidate shall have been an elector of the County for at least two years immediately prior to filing of a declaration of candidacy or appointment to fill a vacancy and shall also have been a resident of the district he or she wishes to serve for at least thirty days immediately prior to filing of candidacy or appointment to fill a vacancy. Once elected or appointed, Council members shall reside within their respective districts during the tenure of their terms; however, a Council member shall not be disqualified from serving the full term to which the member has been elected due to redistricting.

[Effective January 1, 2010; Article III, Section 3.03 amended by the electors on November 4, 2014]

SECTION 3.04 COUNCIL DISTRICTS.

(1) **Initial Districts.** The eleven districts from which the members of the Council shall be elected at the November 2, 2010 general election are described in detail in Appendix A, which is attached to this Charter and made a part hereof.

(2) **Redistricting.** Immediately following each decennial Federal census commencing with the census of 2010, the Council shall appoint five electors of the County, not more than three of whom shall be members of the same political party and none of whom shall hold public office or be an officer of a political party, who shall constitute a Council Districting Commission. The Commission shall, not later than one hundred twenty days following its appointment, prepare and certify to the Board of Elections of Cuyahoga County a detailed apportionment of the Council districts in accordance with the principles provided for in this section. The County Executive shall provide for the Commission such facilities and assistance as shall be required for the Commission to carry out its duties as provided for herein. That apportionment shall be completed by the same date as the apportionment for the Ohio General Assembly and shall be effective for the first regular County election thereafter.

(3) **Principles for Establishing District Boundaries.** All districts shall be of substantially equal population, compact and composed of contiguous territory and formed by combining existing areas of governmental units, giving preference, in the order named, to townships, municipalities and city wards and precincts. Precincts shall not be divided for the purpose of creating Council districts. To the degree allowable by federal and state law, consideration will be given to district boundaries that broaden the opportunities for historically under-represented and minority communities to elect representatives to the Council. The Council may establish additional criteria for the Council Districting Commission to use for the purpose of drawing district boundaries, in order to achieve a government that is effective, efficient, and at the same time, accountable, responsive, and fairly

representative, as long as such criteria do not conflict with the Constitution of the United States of America, the Constitution of the State of Ohio and applicable federal or state law.

[Effective January 1, 2010]

SECTION 3.05 COUNCIL VACANCIES.

When a vacancy occurs in a Council position, precinct committee members of the same political party and from the same district as the vacating member shall choose a replacement within thirty days of the occurrence of the vacancy. If the precinct committee members fail to make the appointment in the allotted time, the Council shall have thirty days to make the appointment. If the Council fails to make the appointment, the County Executive shall make the appointment.

[Effective January 1, 2010]

SECTION 3.06 COUNCIL VACANCIES; NO PARTY AFFILIATION.

When a vacancy occurs in a Council position and the person vacating the position was not a member of a political party with precinct committee members, the Council shall choose a replacement within thirty days of the occurrence of the vacancy. If Council fails to appoint a replacement within thirty days, the County Executive shall make the appointment.

[Effective January 1, 2010]

SECTION 3.07 VACANCIES; LENGTH OF APPOINTMENT.

If a vacancy occurs in the first or second year of a four-year term, the interim appointment shall be for a period until the next countywide general election, at which time the position shall be filled for the remainder of the unexpired term. If a vacancy occurs in the third or fourth year of a four-year term, the interim appointment shall extend until the next countywide general election, at which time the position shall be filled for the next four-year term.

[Effective January 1, 2010]

SECTION 3.08 COMPENSATION.

The initial salary of each Council member shall be forty-five thousand dollars per year. The initial salary of the President of Council shall be fifty-five thousand dollars per year. Those salaries may be changed by ordinance at any time before a primary election for members of the Council, but no change shall be effective until the commencement of the ensuing term. Council members shall be entitled to reimbursement for reasonable and necessary expenses incurred by them in the exercise of their duties.

No former member of Council shall hold any compensated appointive office or employment with the County until one year after the expiration of the term for which the member was elected.

[Effective January 1, 2010]

SECTION 3.09 POWERS AND DUTIES OF THE COUNCIL.

The legislative power of the County, including the power to introduce, enact and amend ordinances and resolutions relating to all matters within the legislative power of the County, is vested in the Council. All powers of the Council shall be exercised by ordinance or resolution and shall include, but not be limited to, the following:

- (1) To appoint and provide for the compensation and duties of the Clerk of Council and such other assistants for the Council as a whole as the Council determines to be necessary for the efficient performance of its duties.

- (2) To establish departments, and divisions and sections within departments, under the supervision of the County Executive, and such boards, agencies, commissions, and authorities, in addition to or as part of those provided for in this Charter, as the Council determines to be necessary for the efficient administration of the County.

(3) To establish procedures under which the County Executive may employ experts and consultants in connection with the administration of the affairs of the County.

(4) To establish procedures governing the making of County contracts and the purchasing of County supplies and equipment pursuant to competitive bidding.

(5) To adopt and amend the County's annual tax budget, biennial operating budget and biennial capital improvements program and to make appropriations for the County. Council shall determine by ordinance the beginning and end dates of the biennium.

(6) To determine which officers and employees shall give bond and to fix the amount and form thereof.

(7) To provide for the acquisition, construction, maintenance, administration, rental, and leasing of property, including buildings and other public improvements.

(8) To cooperate or join by contract with any municipality, county, state or political subdivision or agency thereof, for the planning, development, construction, acquisition or operation of any public improvement or facility, or for providing a common service, and to provide the terms upon which the County shall perform any of the services and functions of any other county or any municipality or other political subdivision. In furtherance of such intergovernmental cooperation, the Council may provide for grants or loans to other political subdivisions and public agencies.

(9) To provide for the procedure for making public improvements and levying assessments for such improvements.

(10) To require, as necessary, the attendance of any County employee or officer at Council meetings to provide information as may be requested. Except for the purpose of inquiry, the Council and its members shall deal with the administrative service solely through the County Executive. Neither the Council, nor any member thereof, shall give

orders to any of the subordinates of the County Executive either in public or in private.

(11) To establish and provide for the administration of a program to provide scholarships, loans, grants and other forms of financial assistance for residents of the County that will enable them to participate in post-secondary education, including vocational education and job training and retraining; for the funding of the program from money determined to be saved by the operation of the County government under this Charter and from other funds of the County, including gifts, grants and donations received for such purpose; and for the conditions for eligibility for participation in the program by individuals and educational institutions.

(12) To establish by ordinance a code of ethics, which shall be in addition to, and not inconsistent with, general law on the subject, which shall guide and inform County officers and employees in the performance of their official duties in a manner that will represent high standards of professionalism and loyalty to the residents of the County and that will avoid conflicts of interest, self-dealing and other violations of the public trust.

No public money of, or under the control of, the County, from whatever source derived, shall be subject to appropriation, application or distribution at the order or direction of any individual member of the Council.

[Effective January 1, 2010; Article III, Section 3.09(5) amended by the electors on November 6, 2012]

SECTION 3.10 ORGANIZATION, RULES AND PROCEDURES.

(1) **Council Officers.** On the first business day of each year following a regular election for members of the Council, the Council shall meet for the purpose of organization and shall elect one of its members as President and one other member as Vice-President each to serve until the election of their successors at the next succeeding organizational meeting. The President shall preside at all meetings of the Council. The Vice President shall preside in case of the absence or disability of

the President. The presiding officer shall be entitled to vote on all matters.

(2) **Rules and Records.** The Council shall determine its own rules and order of business. The Clerk of Council shall keep and make available for public inspection at all reasonable times a record of proceedings of the Council in which the vote of each member voting on an ordinance or resolution shall be recorded.

(3) **Written Resolutions and Ordinances.** All legislative action of a general and permanent nature shall be by resolution or ordinance introduced in written or printed form. Each resolution and ordinance shall contain no more than one subject, and that subject shall be clearly expressed in its title.

(4) **Required Readings.** No ordinance or resolution shall be passed or adopted until it has been read, either in full or by title alone, at three different regular Council meetings. The requirement of three readings may be dispensed with by a vote of at least seven members of the Council.

(5) **Adoption by Council.** No action of the Council shall be valid or binding unless adopted by an affirmative vote of at least a majority of the members of the Council. Each adopted ordinance or resolution shall be signed by the presiding officer and promptly presented by the Clerk of Council to the County Executive for approval or disapproval. Notwithstanding the foregoing, the following actions shall be finally approved or disapproved upon action by Council, without presentation to the County Executive for approval or disapproval:

- (a) Adoption or amendment of the rules and order of business of the Council;
- (b) Adoption of the schedule of Council meetings, creation of committees, and other actions relating to the internal operations of the Council;
- (c) Adopting an organizational structure for the Council office, consistent with the County's operating budget;

- (d) Hiring and setting compensation for employees of the Council office, consistent with the County's operating budget;
- (e) Approval of contracts or amendments to contracts not to exceed \$100,000 for services for the Council office, consistent with the County's operating budget;
- (f) Confirmation of appointments recommended by the County Executive;
- (g) Making of appointments designated in this Charter to be made by Council;
- (h) Adoption of resolutions to require the attendance of any County employee or officer at Council meetings;
- (i) Adoption of resolutions to compel the attendance of witnesses, issue subpoenas, or refer matters to the Prosecuting Attorney in accordance with Article III, Section 3.12; and
- (j) Submission of proposed amendments to this Charter to the electors of Cuyahoga County.

(6) Approval or Disapproval by County Executive. The County Executive may approve or disapprove the whole or any item of an ordinance or resolution appropriating money, but otherwise the approval or disapproval shall be addressed to the entire ordinance or resolution. If the County Executive approves a measure approved by Council and presented to him or her by the Clerk of Council, the resolution or ordinance shall be signed by the County Executive and returned to the Clerk of Council within ten days after its passage or adoption. If the County Executive does not approve a measure so presented, the County Executive shall return the measure to the Council with his or her written objections within said ten days. Such written objections shall be entered in full in the record of proceedings of the Council. If the County Executive does not return a measure approved by Council and presented to him or her by the Clerk of Council within said ten-day period following its adoption, the measure shall take effect in the same manner as if the County Executive had signed it.

(7) Reconsideration. When the County Executive has disapproved an ordinance or resolution, or a part or item thereof, as herein provided, the Council may, not later than its second regular meeting following

such disapproval, proceed to reconsider the disapproved measure. If, upon reconsideration, the measure is approved by at least eight members of Council, it shall then take effect as if it had received the approval of the County Executive.

(8) Effective Dates of Legislation. Each ordinance or resolution shall take effect in the manner and at the time provided by general law for ordinances or resolutions of cities. Unless a later time is specified therein, each measure designated to become immediately effective shall take effect upon signature by the County Executive, upon the expiration of the time during which it may be disapproved, or upon its passage after disapproval by the County Executive, as the case may be. Each measure designated to become immediately effective shall contain a statement of the necessity for such action and shall require the affirmative vote of at least eight members of the Council for enactment.

(9) Publication of Ordinances and Resolutions. Council shall provide by rule for the procedure for giving notice of the adoption by the Council of ordinances and resolutions of a general and permanent nature. Such method or methods for giving notice shall be such as to enable any interested resident of the County to have prompt access to the text of such legislation.

[Effective January 1, 2010; Article III, Section 3.10(5) amended by the electors on November 5, 2013]

SECTION 3.11 INITIATIVE AND REFERENDUM.

The right of initiative and referendum is reserved to the people of the County on all matters that the County may now or hereafter be authorized to control by legislative action, provided that any ordinance or resolution enacted for the following purposes shall not be subject to referendum:

- (a) That appropriates money for any lawful purpose;
- (b) That creates, revises or abolishes departments or provides regulations for their government;
- (c) That authorizes the appointment of employees in any of the departments;

- (d) That authorizes, or that otherwise affects, the issuance of bonds, notes or other debt instruments of the County;
- (e) That authorizes a contract for a public improvement or an expenditure of money which contract is to be made or expenditure is to be made, in whole or in part, from the proceeds of bonds, notes or other debt instruments of the County; and
- (f) That provides for the payment of operating expenses of the County.

The provisions of general law relating to such right applicable to municipalities in effect at the time of the adoption of this Charter shall govern the exercise of such right hereunder, provided that all powers and duties respecting initiative or referendum petitions imposed upon city auditors or village clerks by general law shall be exercised by the Clerk of Council.

[Effective January 1, 2010]

SECTION 3.12 INVESTIGATIONS BY COUNCIL.

The Council or any committee of Council may investigate the financial transactions of any office, department or agency of County government and the official acts and conduct of any County official relating to any matter upon which Council is authorized to act. In conducting such investigations, the Council or any such committee may administer oaths and may, by resolution adopted by vote of at least eight members of Council or of the committee of Council, compel the attendance of witnesses and the production of books, papers and other evidence through the issuance of subpoenas. Subpoenas shall be signed by either the President of Council or the chair of the Council committee seeking a witness's testimony or the production of evidence and shall be served and executed by an officer authorized by law to serve subpoenas and other legal process. In the matter of compelling the attendance of witnesses and the production of evidence, the majority vote of Council, if any, shall take precedence over the vote of a Council committee. If any duly-subpoenaed witness refuses to testify to any facts within the witness's knowledge, or to produce any paper, books, or other evidence in the witness's possession or in the witness's control relating to the

matter under inquiry before the Council or any such committee, the Council may refer the matter to the Prosecuting Attorney for the Prosecuting Attorney to cause the witness to be punished as for contempt.

[Effective January 1, 2010]