

## **ARTICLE XII--GENERAL PROVISIONS**

### **SECTION 12.01 EFFECTIVE DATE OF CHARTER.**

The effective date of this Charter shall be January 1, 2010 except as otherwise provided herein with respect to particular officers, offices or functions.

[Effective January 1, 2010]

### **SECTION 12.02 REMOVAL OF ELECTED OFFICIALS BY RECALL.**

The County Executive, a member of the Council, and any other elected County officer may be removed from office by recall. The procedure to effect such removal shall be as follows:

(1) A petition signed by qualified electors demanding the election of a successor to the person sought to be removed shall contain a general statement, in not more than two hundred words, of the grounds upon which removal is sought. In seeking removal of the County Executive, the Prosecuting Attorney, or a member of Council, such petition must be signed by qualified electors of the County equal in number to at least ten percent of the number of votes cast for the office of County Executive at the next preceding County election. In seeking removal of a member of Council, such petition must be signed by qualified electors of that member's district equal in number to at least twenty percent of the number of votes cast in that district for the office of County Executive at the next preceding County election for that office.

(2) Petition papers shall be procured only from the Clerk of Council, who shall keep a sufficient number on file for the use as provided by this section. Prior to the issuance of such petition papers, an affidavit shall be made by one or more qualified electors of the County and filed with the Clerk of Council, stating the name and office of the official sought to be removed. The Clerk of Council, upon issuing any such petition paper, shall enter in a record to be kept in his or her office the name of the elector to whom the petition paper was issued, the date of such issuance and the number of papers issued. The Clerk of Council shall certify upon each petition paper the name of the elector to whom it

was issued and the date of issuance. No petition paper so issued shall be accepted as part of a petition unless it bears the certificate of the Clerk of Council and unless it is filed as provided in this section.

(3) The petition shall be addressed to the Council. With each signature shall be stated the place of residence of the signer, giving the street and number and ward and precinct. The signatures need not all be on one paper. One of the circulators of every such paper shall sign an affidavit stating that each signature on the paper is the genuine signature of the person whose name it purports to be. All such papers for the removal of any one official shall be fastened together and be filed as one instrument within thirty days after the filing with the Clerk of Council of the affidavit stating the name and office of the official sought to be removed. The Clerk of Council, within ten days after the filing of such petitions, shall determine the sufficiency of such petition and attach a certificate showing the result of his or her examination. The petition shall contain the name of a person designated to receive the petition in the case it is returned by the Clerk of Council for insufficiency. If the Clerk of Council shall certify that the petition is insufficient, he or she shall set forth in the certificate the particulars in which the petition is defective, and shall return a copy of the certificate to the person designated in such petition to receive it.

(4) A recall petition so returned may be amended at any time within twenty days after the certification of insufficiency by the Clerk of Council, by filing a supplementary petition upon additional petition papers, issued, signed and filed as provided in this section for the original petition. The Clerk of Council shall, within ten days after such amended petition is filed, make an examination of the amended petition and if his or her certificate shall show the same to be still insufficient, he or she shall return it to the person designated in such petition to receive it, without prejudice, however, to the filing of a new petition.

(5) If the Clerk of Council shall determine that the petition or amended petition is sufficient, he or she shall at once submit the petition with his or her certificate to the Council and forthwith notify the official sought to be recalled of such action. If the official whose removal is sought shall not resign within five days after such notice, the Council shall

thereupon by order fix a day for holding a recall election. Such election shall be held not less than forty nor more than sixty days after the petition has been submitted to the Council by the Clerk of Council. If possible, the recall election shall take place at the time of any county general, primary or special election that is to be held within such period.

(6) The Clerk of Council shall transmit a duly certified copy of such order to the Cuyahoga County Board of Elections or to any successor officer or agency having responsibility for the conduct of elections in the County. The election authorities shall publish notice and make all arrangements necessary for holding an election. The election shall be conducted and the result returned and declared in all respects, as are the results of County general elections.

(7) Each ballot at such election shall have printed upon it the following question: "Shall (name of person) be removed from the office of (name of office) by recall?" Immediately beside said propositions shall be a space where electors may vote for or against such proposition.

(8) If a majority of the votes cast on the question of recalling an elected official shall be against the recall, the elected official shall continue in office for the remainder of his or her unexpired term but subject to recall as before. If a majority of such votes were for the recall, the elected official shall be deemed removed from office upon the announcement of the official result of the election.

(9) When a person is removed from office by recall, the vacancy will be filled in accordance with the provisions of this Charter and general law.

[Effective January 1, 2010]

### **SECTION 12.03 FORFEITURE OF OFFICE.**

A County elected official shall forfeit that office if the officer

(1) Lacks at any time during the term of office any qualification for the office prescribed by this Charter or by general law to the extent applicable under this Charter;

(2) Knowingly violates any express prohibition of this Charter, including Section 12.04 hereof;

(3) Is convicted of any felony or of any crime involving moral turpitude;  
or

(4) In the case of a member of Council, fails to attend three consecutive regular meetings of the Council without being excused by the Council.

[Effective January 1, 2010]

#### **SECTION 12.04 REPORTING OF OFFERS TO INFLUENCE OFFICIAL ACTION.**

Any elected or appointed County officer who receives or who has specific and personal knowledge of any offer by any person of anything of value to be given to a County officer or employee for the purpose of influencing such officer or employee in the performance of such officer's or employee's official duties shall promptly report the matter to a law enforcement officer or agency believed by the reporting officer or employee to have jurisdiction or responsibility concerning the matter. Such officer or employee shall fully cooperate in any investigation of and any resulting prosecution or action relating to the matter.

[Effective January 1, 2010]

#### **SECTION 12.05 MEETINGS OF GOVERNMENTAL BODIES TO BE PUBLIC.**

All meetings of the Council and any committee, board, commission, agency or authority of the County, as well as any similar body created by this Charter or by the Council, shall be open to the public as provided by general law.

[Effective January 1, 2010]

## **SECTION 12.06 RECORDS OF GOVERNMENTAL BODIES TO BE PUBLIC.**

Records of the County shall be open to the public as provided by general law.

[Effective January 1, 2010]

## **SECTION 12.07 EQUAL OPPORTUNITY.**

It shall be the policy of the County that

- (1) All officers and members of boards, agencies, commissions and authorities appointed by the County Executive, the Council or other County elected officials;
- (2) All members of each Charter Review Commission; and
- (3) All County employees shall be appointed, employed, promoted, and compensated without regard to their race, color, religion, sex, national origin, sexual orientation, disability, age, or ancestry.

[Effective January 1, 2010]

## **SECTION 12.08 EMPLOYEE RIGHTS.**

Employees of the County and its offices, agencies and departments shall have the right to organize and to engage in collective bargaining as provided by general law. Wages paid under construction contracts entered into by the County and its offices, agencies and departments shall be paid in accordance with general laws pertaining to payment of prevailing wages.

[Effective January 1, 2010]

## **SECTION 12.09 CHARTER REVIEW COMMISSION.**

Following the appointment of the initial Charter Review Commission in 2012, commencing in 2017, and at intervals of ten years thereafter, the County Executive shall before the first day of June appoint a Charter Review Commission. Charter Review Commission appointments shall be subject to Council confirmation. The Charter Review Commission shall consist of nine electors of the County, no more than five of whom may be of the same political party, and no more than two of whom may be an officer or employee of the County. Appointment to the Charter

Review Commission shall be for a term of one year commencing on the first day of September in the year in which the appointment is made. Members of the Charter Review Commission shall serve without pay and shall serve on no more than three consecutive Charter Review Commissions, unless such service is within a ten-year period. The Council shall establish rules and procedures for the operation of the Charter Review Commission and the County Executive shall provide the Commission necessary staff services.

The initial Charter Review Commission shall include in its deliberations consideration of changes in this Charter for the purpose of providing more effective representation of indigent defendants, for adequate funding and support for the operation of the office of the County public defender, and for the appropriate method for selection of the County public defender.

The Charter Review Commission may propose to the Council such amendments to this Charter as it shall deem appropriate. The final report of each Charter Review Commission, which shall include all proposed charter amendments and a summary of the Commission's activities, shall be transmitted to the Council for consideration by the first day of July following the formation of the Charter Review Commission. The Council shall vote within sixty days after the proposals are received on whether or not to submit the proposals to the electors at the next general election held more than sixty days after its vote on the proposed amendments.

[Effective January 1, 2010; Article XII, Section 12.09 amended by the electors on November 4, 2014]

#### **SECTION 12.10 CHARTER AMENDMENTS.**

Proposed amendments to this Charter shall be submitted to the electors of the County in the manner provided for by the Ohio Constitution.

[Effective January 1, 2010]

**SECTION 12.11 REARRANGEMENT, REPRINTING OF, AND CORRECTION OF TYPOGRAPHICAL ERRORS IN THE CHARTER.**

Following any election at which any amendment to this Charter is adopted, the Clerk of Council, with the approval of the Council and the Director of Law, may prior to any reprinting of this Charter, make such changes therein, including the numbers, titles and arrangement of articles and sections hereof, as may be necessary or desirable to maintain or assure the logical and consistent ordering thereof, but no such change shall in any way affect the substance or meaning of this Charter or any part thereof or amendment thereto. The Clerk of Council may, at any time, with the approval of the Council, correct typographical errors appearing in this Charter, but no such change shall in any way affect the substance or meaning of this Charter or any part thereof or amendment thereto.

[Effective January 1, 2010]

**SECTION 12.12 SEVERABILITY.**

The various provisions of this Charter are intended to be severable, and the invalidity of one or more of such provisions shall not affect the validity of the remaining provisions.

[Effective January 1, 2010]