

County Council of Cuyahoga County, Ohio

Resolution No. R2012-0131

Sponsored by: Councilmembers Schron, Miller, Brady, Germana, Conwell, Connally and Jones	A Resolution providing for the submission to the electors of the County of Cuyahoga an amendment to Article 2, Section 2.03 and Article 3, Section 3.09 of the Charter of Cuyahoga County; and declaring the necessity that this Resolution become immediately effective.
---	--

WHEREAS, Article 12, Section 10 of the Charter of Cuyahoga County provides that "Proposed amendments to this Charter shall be submitted to the electors of the County in the manner provided for by the Ohio Constitution"; and

WHEREAS, Article X, Section 4 of the Ohio Constitution provides that the "legislative authority" "of any county may by a two-thirds vote of its members" submit by resolution charter amendments to the electors of the county "to be voted upon at the first general election occurring not sooner than sixty days after their submission"; and

WHEREAS, this Council believes it is in the best interest of the citizens of the County of Cuyahoga to amend the County Charter to require that the County of Cuyahoga develop and implement biennial (two year) operating and capital improvements budgets.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNTY COUNCIL OF CUYAHOGA COUNTY, OHIO:

SECTION 1. Pursuant to Article X, Section 4 of the Ohio Constitution and Article 12, Section 10 of the Charter of the County of Cuyahoga, this Council hereby authorizes and directs that there shall be submitted to a vote of qualified electors of the County of Cuyahoga, at the general election to be held on Tuesday, the 6th day of November, 2012, the question of amending Article 2, Sections 2.03 and Article 3, Section 3.09 of the Charter of the County of Cuyahoga, the respective text to be as set forth herein, with boldfaced and underlined text being added, and crossed out text being deleted as follows:

2.03 Powers and Duties

(9) To submit to the Council prior to the beginning of each **biennium** ~~fiscal year~~, a proposed operating budget for the upcoming **biennium** ~~fiscal year~~, which shall contain at least the following:

(a) A statement of estimated revenues from all sources, including fund balances from the preceding **biennium** ~~year~~;

- (b) A statement of proposed expenditures, shown by department, office, agency, authority, board and commission, and by activity, character and object;
 - (c) A schedule of estimated revenues and proposed expenditures for each County department, office, agency, authority, board and commission, on a monthly basis; and
 - (d) A summary of the contents of the proposed operating budget.
- (10) To submit to the Council prior to the beginning of each **biennium** ~~fiscal year~~ a capital improvements program, which shall contain at least the following:
- (a) The capital improvements scheduled for, or proposed to be undertaken within that **biennium** ~~fiscal year~~, along with the estimated cost of each improvement and the proposed or established method of financing;
 - (b) A summary of the detailed contents of the program for the current **biennium** ~~fiscal year~~; and
 - (c) The capital improvements projected for the five years next succeeding the current **biennium** ~~fiscal year~~.
- (11) To submit a written message to the Council accompanying the proposed operating budget and capital improvements program explaining the budget both in fiscal terms and in terms of work to be done, outlining the proposed financial policies of the County for the current **biennium** ~~fiscal year~~ and describing the important features of the budget. The message shall include any proposals for major changes in financial policies and in expenditures, appropriations and revenues as compared with the preceding **biennium** ~~fiscal year~~ and the reasons for such proposals, and an itemization and explanation of each proposed capital improvement.

3.09 Powers and Duties of the Council

- (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.**

SECTION 2. Pursuant to Article X, Section 4 of the Ohio Constitution, and Article 12, Section 10 of the Charter of the County of Cuyahoga, this Council hereby directs that the proposed amendment of Article 2, Sections 2.03 and Article 3, Section 3.09 shall be submitted to the Board of Elections of Cuyahoga County and the question to be submitted on the ballot shall be as follows:

PROPOSED AMENDMENT TO COUNTY CHARTER

Shall the County Charter be amended to require that the County of Cuyahoga develop and implement biennial (two year) operating and capital improvements budgets?

SECTION 3. If the foregoing proposal receives the affirmative vote of a majority of the electors voting thereon, the existing provisions of Article 2, Section 2.03 and Article 3, Section 3.09 which are inconsistent herewith, shall be and the same are hereby repealed effective as of the date on which such amendment becomes effective.

SECTION 4. The Clerk of this Council is directed to certify a copy of this Resolution to the Board of Elections no earlier than one hundred twenty (120) days and not later than sixty (60) days before the November 6, 2012 election. The Clerk is further directed to take all other actions required by law relative to the submission of said amendment for said election, including, if required by law, mailing or otherwise distributing a copy of said proposed amendment to each of the electors of the County as far as may be reasonably possible prior to thirty (30) days before said election.

SECTION 5. It is necessary that this Resolution become immediately effective to enable the Clerk of Council to perform her duties in time for the amendments to be properly placed on the November 6, 2012 election. Provided that this Resolution receives the affirmative vote of eight (8) members of Council, it shall become immediately effective upon the signature of the County Executive.

SECTION 6. It is found and determined that all formal actions of this Council relating to the adoption of this Resolution were adopted in an open meeting of the Council, and that all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

On a motion by Mr. Schron, seconded by Mr. Miller, the foregoing Resolution was duly adopted.

Yeas: Simon, Greenspan, Miller, Brady, Germana, Gallagher, Schron, Conwell,
Jones and Connally

Nays: Rogers

County Council President

Date

Deputy Clerk of Council

Date

First Reading/Referred to Committee: July 10, 2012

Committee Assigned: Committee of the Whole

Additional Sponsorship Requested on the Floor: July 10, 2012

Additional Sponsorship Requested: August 14, 2012

Second Reading: August 14, 2012

Additional Sponsorship Requested on the Floor: August 28, 2012

Journal CC007
August 28, 2012