

County Council of Cuyahoga County, Ohio

Resolution No. R2013-0136

<p>Sponsored by: Council President Connally on behalf of Charter Review Commission</p> <p>Co-sponsored by: Councilmember Miller</p>	<p>A Resolution providing for the submission to the electors of the County of Cuyahoga an amendment to Article VI, Section 6.02 of the Charter of Cuyahoga County clarifying the role of the Board of Revision; and declaring the necessity that this Resolution become immediately effective.</p>
---	---

WHEREAS, Article XII, Section 12.09 of the Charter of Cuyahoga County provides that "The Charter Review Commission may propose to the Council such amendments to this Charter as it shall deem appropriate" and "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"; and

WHEREAS, Article XII, Section 12.10 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 clarify the role of the Board of Revision.

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 XII, Sections 12.09 and 12.10 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 5th day of November, 2013, the question of amending Article VI, Section 6.02 of the Charter of the County of Cuyahoga, the respective text to be as set forth herein, with boldfaced text being added and crossed out text being deleted as follows:

SECTION 6.02 BOARD OF REVISION.

~~There shall be one or more Boards of Revision, each consisting of three electors of the County. Two members of each board, who shall not be of the same political party, shall be appointed by the Council, and one member shall be appointed by the County~~

~~Executive, each for a term of three years. Each Board of Revision shall exercise all duties of a county board of revision as prescribed by general law. The Council may provide for compensation for members of a Board of Revision.~~

(1) The County shall have a single Board of Revision, consisting of three members, which shall perform all powers and duties of county boards of revision under general law and such other powers and duties not inconsistent therewith as provided herein or by ordinance. As of the effective date of this provision, the Board shall consist of the County Executive, one appointee of the Council President, and, at the choice of the County Executive, either the Fiscal Officer or Treasurer.

(a) At the choice of the Council President, the Council President's appointee may either be a member of Council or any other elector of the County. The term of the Council President's first appointee shall be from the effective date of this provision until January 4, 2016. The term of subsequent appointees shall be for a period of two years commencing on the fifth day of January and every two years thereafter.

(b) If a vacancy occurs in the Council President's appointee position, the Council President shall appoint a new member to complete the unexpired term.

(c) The Council President's appointee shall not belong to the same political party as the County Executive at the time of the appointment.

(2) The Board shall elect a chairperson, a secretary, and other officers as it deems appropriate at its organizational meetings.

(3) The Board shall have the power to set the hearing schedule for matters before it, and to make and amend its own internal operating rules, procedures, and regulations.

(4) The Board may employ administrative staff, including an administrator, as it deems necessary, to assist it in the performance of its powers and duties. All employees of the Board shall be unclassified employees.

(5) The Board shall employ or otherwise engage individuals to serve on one or more three-member hearing panels to hear complaints as to the value of real property and to perform other duties assigned to them by the Board. The individuals serving on hearing panels shall be electors of the County; shall serve at the pleasure of the Board; and shall abide by the Board's hearing schedule, rules, procedures, and regulations in performing their duties.

(6) The Board shall establish merit qualifications for the individuals serving on hearing panels as it deems necessary for them to perform their duties. In establishing the merit qualifications, the Board shall strive to employ or otherwise engage highly qualified individuals to elevate the citizens' trust in the system.

(7) The Board may not itself hear complaints related to the valuation of real property, and no member of the Board may serve on any of the hearing panels. The decisions of the hearing panels relating to real property valuation complaints shall constitute the final decisions of the Board and shall not be subject to further review by the Board itself.

(8) No member of the Board or any of the hearing panels may have any ex parte communications with any party, elected officials, county employees, or any other person regarding the merits of a pending matter before the panel. The Board shall enact and publish additional rules, procedures, or regulations to ensure that the system is administered fairly, including rules, procedures, or regulations governing conflicts of interest.

(9) The Board may utilize any boards of revision or hearing panels in existence as of the effective date of this provision as hearing panels to avoid any interruption of services.

SECTION 2. Pursuant to Article X, Section 4 of the Ohio Constitution, and Article XII, Sections 12.09 and 12.10 of the Charter of the County of Cuyahoga, this Council hereby directs that the proposed amendment of Article VI, Section 6.02 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 Article VI, Section 6.02 Board of Revision of the Charter of the County of Cuyahoga be amended to clarify the role of the Board of Revision?

SECTION 3. If the foregoing proposal receives the affirmative vote of a majority of the electors voting thereon, the existing provisions of Article VI, Section 6.02 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 5, 2013 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 amendment to be properly placed on the November 5, 2013 election. Provided that this Resolution receives the affirmative vote of eight (8) members of Council, it shall become immediately effective.

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. Miller, seconded by Mr. Germana, the foregoing Resolution was duly adopted.

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

Nays: None

County Council President

Date

Clerk of Council

Date

First Reading/Referred to Committee: July 9, 2013

Committee(s) Assigned: Committee of the Whole

Committee Report/Second Reading: July 23, 2013

Legislation Deferred to 8/27/2013 for Third Reading: August 13, 2013

Additional Sponsorship Requested on the Floor: August 13, 2013

Journal CC011
August 27, 2013