

County Council of Cuyahoga County, Ohio

Resolution No. R2013-0137

<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 III, Section 3.10(5) of the Charter of Cuyahoga County specifying actions of Council that do not require Executive approval to be binding; and declaring the necessity that this Resolution become immediately effective.</p>
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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 specify actions of Council that do not require Executive approval to be binding.

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 III, Section 3.10(5) 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 3.10 ORGANIZATION, RULES AND PROCEDURES.

(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 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;**
- (j) Submission of proposed amendments to this Charter to the electors of Cuyahoga County.**

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 III, Section 3.10(5) 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 III, Section 3.10(5) Organization, Rules and Procedures of the Charter of the County of Cuyahoga be amended to specify actions of Council that do not require Executive approval to be binding?

SECTION 3. If the foregoing proposal receives the affirmative vote of a majority of the electors voting thereon, the existing provisions of Article III, Section 3.10 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. Schron, 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