

# County Council of Cuyahoga County, Ohio

## Resolution No. R2013-0142

Sponsored by: **Council President Connally on behalf of Charter Review Commission**

**A Resolution** providing for the submission to the electors of the County of Cuyahoga an amendment to Article XII, Section 12.09 of the Charter of Cuyahoga County adjusting the timeline for the appointment process and the commencement of the term of the Charter Review Commission for the year in which the appointment is made; and declaring the necessity that this Resolution become immediately effective.

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 adjust the timeline for the appointment process and the term of the Charter Review Commission requiring the appointment and confirmation be made before the first day of July and the term commence on the first day of September in the year in which the appointment is made.

**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 5<sup>th</sup> day of November, 2013, the question of amending Article XII, Section 12.09 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 12.09 CHARTER REVIEW COMMISSION.**

Commencing in ~~September~~ 2012, in ~~September~~ 2017, and at intervals of ten years thereafter, the County Executive, with the confirmation of the Council, shall **before the first day of July** appoint a Charter Review Commission consisting 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.

**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 XII, Section 12.09 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 Article XII, Section 12.09 Charter Review Commission of the Charter of the County of Cuyahoga be amended to require the County Executive, with confirmation by the Council, appoint a Charter Review Commission before the first day of July and to require the Commission's term commence on the first day of September in the year in which the appointment is made?**

**SECTION 3.** If the foregoing proposal receives the affirmative vote of a majority of the electors voting thereon, the existing provisions of Article XII, Section 12.09 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 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. Schron, seconded by Mr. Miller, the foregoing Resolution was not adopted.

Yeas: None

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

  
County Council President

8-13-13  
Date

  
Clerk of Council

8/13/2013  
Date

First Reading/Referred to Committee: July 9, 2013

Committee(s) Assigned: Committee of the Whole

Committee Report/Second Reading: July 23, 2013

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