

County Council of Cuyahoga County, Ohio

Resolution No. R2013-0143

<p>Sponsored by: Council President Connally on behalf of Charter Review Commission</p>	<p>A Resolution providing for the submission to the electors of the County of Cuyahoga an amendment to Article II, Section 2.04 Vacancy of the Executive of the County Charter requiring the County Executive to designate a successor and more clearly specify the order of succession in case of a vacancy; 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 more clearly specify succession in case of a vacancy of the County Executive.

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 II, Section 2.04 Vacancy of the County Executive 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 2.04 VACANCY.

The County Executive shall designate, subject to confirmation by the Council, one officer appointed under Article V of this Charter to succeed as County Executive on an interim basis in the event the office of the County Executive becomes vacant prior to the expiration of his or her term by reason of death, resignation, removal from office, failure to remain an elector of the County or for any other reason. ~~In the event the office of the County Executive becomes vacant by reason of death, resignation, removal from office, failure to remain an elector of the County or for any other reason,~~ In the event no designee of the County Executive has been confirmed prior to the office of the County Executive becoming vacant, the President of Council shall succeed to the office of County Executive on an interim basis. If a vacancy occurs more than thirty (30) days prior to the filing deadline for the primary for the countywide general election held during the second year of a four-year term, the interim succession shall be for a period until the end of the calendar year following that same countywide general election, at which election the position shall be filled for the remainder of the unexpired term. Otherwise, the interim succession shall extend for the remainder of the four-year term. ~~in the first or second year of a four-year term, the interim succession shall be for a period until the next countywide general election, at which time the position shall be filled for the remainder of the principal term. If a vacancy occurs in the third or fourth year of a four-year term, the interim succession shall extend until the next countywide general election, at which time the position shall be filled for the next four-year term.~~ The interim succession of the President of Council to the office of County Executive as provided herein shall create a vacancy in the membership of County Council and in the position of President of Council. Upon the occurrence of a vacancy in the position of President of Council, the Vice-President of Council shall assume the position of President, and the Council shall elect a member to serve as Vice-President. The Council seat vacated by the former ~~Council president~~ **President of Council shall be filled ~~in the manner described herein~~ **as provided for in Article III, Section 3.05 or 3.06, as applicable.****

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 II, Section 2.04 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 II, Section 2.04 be amended to require the County Executive to designate a successor to fill the Executive's position on an interim basis should a vacancy occur, and to more clearly specify the order of succession in case of a vacancy?

SECTION 3. If the foregoing proposal receives the affirmative vote of a majority of the electors voting thereon, the existing provisions of Article II, Section 2.04 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 amendments 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 Ms. Conwell, the foregoing Resolution was not adopted.

Yeas: Miller

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

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

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