County Council of Cuyahoga County, Ohio

Resolution No. R2013-0159

Sponsored by: Councilmembers Connally and Miller

A Resolution providing for the submission to the electors of the County of Cuyahoga an amendment to Article II, Section 2.03(2) of the Charter of Cuyahoga County relating to the appointment authority of the County Executive; and declaring the necessity that this Resolution become immediately effective.

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 extend the term during which Council may act on Executive appointments, and add an interim appointment provision.

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, Section 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, Sections 2.03(2) 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 2.03 POWERS AND DUTIES.

(2) To appoint, subject to the confirmation by the Council, and remove County directors and officers and members of boards, agencies, commissions and authorities as are or may hereafter be created by or pursuant to this Charter, and such officers and members of boards, agencies, commissions and authorities as are provided by general law to be appointed by boards of county commissioners. If the Council shall fail to act on the question of such an appointment by the County Executive within thirty-sixty days of the date that the County Executive submits such appointment to the Council for its
consideration, that appointment shall be deemed confirmed without further action by the
Council. The County Executive and the Council shall use good faith efforts to reflect
the diversity of people of the County in appointing such officers and members.

The County Executive may appoint interim officers to serve as any departmental
director, as Inspector General, or in any position outlined in Article V of this
Charter without confirmation by the Council for a period not to exceed 120 days.
An interim appointment may continue beyond 120 days by extension or
reappointment or another person may be successively appointed to the same
position on an interim basis only if confirmed by the Council prior to the
expiration of the initial interim appointment.

SECTION 2. Pursuant to Article X, Section 4 of the Ohio Constitution, and Article
XII, Section 12.10 of the Charter of the County of Cuyahoga, this Council hereby
directs that the proposed amendment of Article II, Section 2.03(2) 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 2.03(2) Powers and Duties of the Charter of the County of
Cuyahoga be amended to extend the term during which Council may act on
Executive appointments, and add an interim appointment provision?

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 2.03(2)
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 duly adopted.

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

Nays: None

First Reading/Referred to Committee: July 23, 2013
Committee(s) Assigned: Committee of the Whole

Committee Report/Second Reading: August 13, 2013

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