

County Council of Cuyahoga County, Ohio

Resolution No. R2014-0160

Sponsored by: **Councilmembers
Miller, Conwell, Germana and
Gallagher**

A Resolution providing for the submission to the electors of the County of Cuyahoga an amendment to Article II, Section 2.01 and Article III, Section 3.03 of the Charter of Cuyahoga County modifying the residency requirements for the offices of County Executive and County Council; 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 require the County Executive to have been an elector of the County for at least two years prior to filing a declaration of candidacy, and to prevent a Council member from being disqualified due to redistricting from serving the full term to which the member was elected.

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 4th day of November, 2014, the question of amending Article II, Section 2.01 and Article III, Section 3.03 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 2.01 COUNTY EXECUTIVE

The County Executive shall be the chief executive officer of the County. The County Executive shall first be elected at the 2010 general election and shall hold office for a term of four years commencing on the first day of January 2011. Any candidate for election as County Executive shall ~~be~~ **have been** an elector of the County ~~for~~ **at least two**

years immediately prior to ~~the time of~~ filing the declaration of candidacy, shall be nominated and elected in the manner provided for county officers by general law and this Charter and during the entire term of office shall remain an elector of the County. The County Executive shall not, except as authorized by the Council, hold or accept other employment or public office.

SECTION 3.03 RESIDENCY REQUIREMENT

A Council candidate shall have been an elector of the County for at least two years immediately prior to filing of a declaration of candidacy or appointment to fill a vacancy and shall also have been a resident of the district he or she wishes to serve for at least thirty days immediately prior to filing of candidacy or appointment to fill a vacancy. Once elected or appointed, Council members shall reside within their respective districts during the tenure of their terms; however, a Council member shall not be disqualified from serving the full term to which the member has been elected due to redistricting. ~~the County, and members elected from districts shall reside within their respective districts, during the tenure of their terms.~~

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 amending Article II, Section 2.01 and Article III, Section 3.03 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 2.01 and Article III, Section 3.03 the Charter of the County of Cuyahoga be amended to modify the residency requirements for the offices of County Executive and County Council, requiring the County Executive to have been an elector of the County for at least two years prior to filing a declaration of candidacy, and preventing a Council member from being disqualified due to redistricting from serving the full term to which the member was elected?

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 2.01 and Article III, Section 3.03 to the extent that they 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 4, 2014 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 4, 2014 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 Ms. Conwell, seconded by Mr. Gallagher, the foregoing Resolution was duly adopted.

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

Nays: None


County Council President

8-26-14
Date


Clerk of Council

8/26/2014
Date

First Reading/Referred to Committee: June 24, 2014

Committee(s) Assigned: Committee of the Whole

Committee Report/Second Reading: July 22, 2014

Third Reading: August 12, 2014

Journal CC015
August 26, 2014