

# County Council of Cuyahoga County, Ohio

## Resolution No. R2014-0161

Sponsored by: <b>Councilmembers Greenspan and Simon</b>	<b>A Resolution</b> providing for the submission to the electors of the County of Cuyahoga an amendment to Article V, Section 5.01 Appointment and Confirmation of Officers and Section 5.08 Sheriff: Powers, Duties, and Qualifications establishing the term of appointment and process for removal of the Sheriff; and declaring the necessity that this Resolution become immediately effective.
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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 establish the term of appointment and process for removal of the Sheriff.

### **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 4<sup>th</sup> day of November, 2014, the question of amending Article V, Section 5.01 and 5.08 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 5.01 APPOINTMENT; CONFIRMATION BY COUNCIL.**

Each of the officers provided for in this Article V shall be appointed by the County Executive subject to confirmation by Council, and shall serve at the pleasure of the County Executive **unless otherwise specified herein.**

#### **SECTION 5.08 SHERIFF: POWERS, DUTIES AND QUALIFICATIONS.**

**(1) Powers and Duties.** All powers and duties now or hereafter vested in or imposed upon county sheriffs by general law shall be carried out by the appointed Sheriff. **The**

**Sheriff shall also have such powers and duties as shall be established by ordinance that are not inconsistent with those provided by general law.**

**(2) Qualifications.** The Sheriff shall possess and continue to maintain the qualifications provided by general law for the office of county sheriff and in addition shall have had at least five years' experience in law enforcement or in correctional facilities management.

**(3) Term. The Sheriff shall be appointed for term of four years. The term of the incumbent Sheriff shall expire on December 31, 2015. Each subsequent Sheriff shall be appointed or reappointed for a term commencing on January 1, 2016 and every four years thereafter. Reappointments shall be subject to Council confirmation.**

**(4) Removal. The Sheriff may only be removed from office by the County Executive prior to the expiration of the Sheriff's term subject to the approval of at least six members of the Council.**

**(5) Vacancy. In the event of a vacancy prior to the expiration of the Sheriff's term, the County Executive shall appoint a Sheriff to complete the unexpired term, subject to confirmation by Council. In the event a vacancy occurs less than two years prior to the expiration of a four-year term, the County Executive may appoint a Sheriff to complete the unexpired term and serve a subsequent four-year term subject to confirmation by Council.**

**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 V, Sections 5.01 and 5.08 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 V, Section 5.01 Appointment; Confirmation by Council and Section 5.08 Sheriff: Powers, Duties and Qualifications of the Charter of Cuyahoga County be amended to establish a term of appointment and process for removal of the Sheriff?**

**SECTION 3.** If the foregoing proposal receives the affirmative vote of a majority of the electors voting thereon, the existing provisions of Article V, Sections 5.01 and 5.08 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 amendments 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 Mr. Greenspan, seconded by Ms. Conwell, the foregoing Resolution was not adopted.

Yeas: Germana, Schron and Greenspan

Nays: Brady, Gallagher, Conwell, Jones, Hairston, Simon, Miller and Connally

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County Council President

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Date

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Clerk of Council

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Date

First Reading/Referred to Committee: June 24, 2014

Committee(s) Assigned: Committee of the Whole

Committee Report/Second Reading: July 22, 2014

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