

County Council of Cuyahoga County, Ohio

Resolution No. R2014-0166

Sponsored by: Councilmember Schron	A Resolution providing for the submission to the electors of the County of Cuyahoga an amendment to Article II, Section 2.04 of the Charter of Cuyahoga County to provide for the holding of special elections to fill vacancies in the office of the County Executive; 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 provide for the holding of special elections to fill vacancies in the office 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, 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 2.04 of the Charter of Cuyahoga County, 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

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, the President of Council shall succeed to the office of County Executive on an interim basis. ~~If a vacancy occurs 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 shall be filled in the manner described herein.~~ **The Council President shall hold the office of County Executive until a successor is elected at a special election to be held not more than 100 days from the date of the vacancy. The procedures for holding the special election shall be established by ordinance. The person so elected shall assume office immediately upon election and qualification, and shall hold office for the unexpired term of the original vacating member.**

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 temporarily assume the duties of President, and the Council shall elect a member to serve as Vice-President pro tem. The vacancy on Council created by the President of Council's interim succession shall not be filled in accordance with Article III of this Charter, but shall remain vacant until either a successor County Executive is duly elected and qualified, or until the President of Council's term on Council expires. Once a successor County Executive has been duly elected and qualified, the President of Council may return to Council to fill the existing vacancy for the remainder of his or her original term.

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 to 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 of the Charter of Cuyahoga County be amended to provide for the holding of special elections to fill vacancies in the office of the County Executive?

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, 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 Mr. Miller, seconded by Mr. Schron, the foregoing Resolution was not adopted.

Yeas: Schron, Conwell, Miller and Germana

Nays: Gallagher, Jones, Hairston, Simon, Greenspan, Brady and Connally

County Council President

Date

Clerk of Council

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

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