

County Council of Cuyahoga County, Ohio

Resolution No. R2018-0143

Sponsored by: Council President Brady on behalf of Charter Review Commission	A Resolution providing for the submission to the electors of the County of Cuyahoga an amendment to Article III, Section 3.09 of the County Charter to empower the Council to enact laws governing the election of county officers; and declaring the necessity that this Resolution become immediately effective.
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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 “[p]roposed 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, the Council believes it is in the best interest of the citizens of the County of Cuyahoga to amend the County Charter as provided hereinafter.

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 6th day of November, 2018, the question of amending Article III, Section 3.09 of the Charter of Cuyahoga County, the respective text to be set forth herein (additions bolded and underlined and deletions stricken):

ARTICLE III – THE COUNCIL

SECTION 3.09 POWERS AND DUTIES OF THE COUNCIL

The legislative power of the County, including the power to introduce, enact and amend ordinances and resolutions relating to all matters within the legislative power of the County, is vested in the Council. All powers of the Council shall be exercised by ordinance or resolution and shall include, but not be limited to, the following:

- (1) To appoint and provide for the compensation and duties of the Clerk of Council and such other assistants for the Council as a whole as the Council determines to be necessary for the efficient performance of its duties.
- (2) To establish departments, and divisions and sections within departments, under the supervision of the County Executive, and such boards, agencies, commissions, and authorities, in addition to or as part of those provided for in this Charter, as the Council determines to be necessary for the efficient administration of the County.
- (3) To establish procedures under which the County Executive may employ experts and consultants in connection with the administration of the affairs of the County.
- (4) To establish procedures governing the making of County contracts and the purchasing of County supplies and equipment pursuant to competitive bidding.
- (5) To adopt and amend the County's annual tax budget, biennial operating budget and biennial capital improvements program and to make appropriations for the County. Council shall determine by ordinance the beginning and end dates of the biennium.
- (6) To determine which officers and employees shall give bond and to fix the amount and form thereof.
- (7) To provide for the acquisition, construction, maintenance, administration, rental, and leasing of property, including buildings and other public improvements.
- (8) To cooperate or join by contract with any municipality, county, state, or political subdivision or agency thereof, for the planning, development, construction, acquisition or operation of any public improvement or facility, or for providing a common service, and to provide the terms upon which the County shall perform any of the services and functions of any other county or any municipality or other political subdivision. In furtherance of such intergovernmental cooperation, the Council may provide for grants or loans to other political subdivisions and public agencies.
- (9) To provide for the procedure for making public improvements and levying assessments for such improvements.

(10) To require, as necessary, the attendance of any County employee or officer at Council meetings to provide information as may be requested. Except for the purpose of inquiry, the Council and its members shall deal with the administrative service solely through the County Executive. Neither the Council, nor any member thereof, shall give orders to any of the subordinates of the County Executive either in public or in private.

(11) To establish and provide for the administration of a program to provide scholarships, loans, grants and other forms of financial assistance for residents of the County that will enable them to participate in post-secondary education, including vocational education and job training and retraining; for the funding of the program from money determined to be saved by the operation of the County government under this Charter and from other funds of the County, including gifts, grants and donations received for such purpose; and for the conditions for eligibility for participation in the program by individuals and educational institutions.

(12) To establish by ordinance a code of ethics, which shall be in addition to, and not inconsistent with, general law on the subject, which shall guide and inform County officers and employees in the performance of their official duties in a manner that will represent high standards of professionalism and loyalty to the residents of the County and that will avoid conflicts of interest, self-dealing and other violations of the public trust.

(13) To establish by ordinance campaign related laws governing the election of any County officers and officials including, without limitation, campaign finance regulation, donor disclosure requirements, donor age limits, enforcement or other provisions to avoid violations of the public trust.

No public money of, or under the control of, the County, from whatever source derived, shall be subject to appropriation, application or distribution at the order or direction of any individual member of the Council.

SECTION 2. Pursuant to Article X, Section 4 of the Ohio Constitution and Article XII, Section 12.09 and 12.10 of the Charter of the County of Cuyahoga, this Council hereby directs that the proposed amendment of Article III, Section 3.09 shall be submitted to the Board of Elections of Cuyahoga County, and the question to be submitted on the ballot shall read as follows:

PROPOSED AMENDMENT TO COUNTY CHARTER

Shall Article III, Section 3.09 be amended to empower the Council to enact laws governing the election of county officers including campaign finance regulation, donor disclosure requirements, donor age limits, enforcement or other provisions to avoid violations of the public trust?

First Reading/Referred to Committee: July 10, 2018
Committee(s) Assigned: Committee of the Whole

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