

County Council of Cuyahoga County, Ohio

Resolution No. R2019-0144

<p>Sponsored by: Councilmembers Tuma, Simon and Jones</p> <p>Co-sponsored by: Councilmember Conwell</p>	<p>A Resolution providing for the submission to the electors of the County of Cuyahoga an amendment to repeal Section 5.08 and enact Article XVI of the County Charter to provide for additional requirements of the Sheriff, including the powers, duties, qualifications, term, and removal process of the office; and declaring the necessity that this Resolution become immediately effective.</p>
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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 to provide for additional requirements for the Sheriff, and

WHEREAS, the incumbent Sheriff at the time this Charter Amendment becomes effective will serve a term ending in accordance with the term indicated herein, unless disqualified or removed in the manner provided by general law and the Cuyahoga County Charter.

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, 2019, the question of repealing Section 5.08 and enacting Article XVI of the Charter of Cuyahoga County, as set forth herein:

Article XVI: SHERIFF

SECTION 16.01 SHERIFF

(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's powers and duties shall include appointing authority in accordance with Article IX of this Charter. The Sheriff shall also have such powers and duties as shall be established by this Charter or 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. No person shall be appointed Sheriff unless such person:

(a) Has had at least five years of experience in law enforcement or in correctional facilities management; and

(b) Has obtained a baccalaureate in any field or an associate degree in law enforcement or criminal justice, from a college or university authorized to confer degrees by the Ohio Board of Regents or the comparable agency of another state in which the college or university is located.

(3) Required Certification. Newly appointed Sheriffs shall obtain or already possess one or more of the following certifications within one year, or other time period established by Council through resolution, following the date of first assuming office:

(a) A jail operations certificate or comparable certification approved by the National Sheriffs Association;

(b) A certified corrections executive certificate or comparable certification approved by the American Correctional Association;

(c) A certified jail officer certificate or comparable certification approved by the American Jail Association; or

(d) A professional certification or degree related to the management and operation of a jail as may be approved by the Council.

The office of a Sheriff who is required to comply with this section and who fails to obtain a certification pursuant to this section is hereby deemed to be vacant.

(4) Appointment and Term. The Sheriff shall be appointed by the County Executive, subject to confirmation by Council, for a term of four years. The

incumbent Sheriff at the time this provision becomes effective shall serve a term ending December 31, 2020. Each subsequent Sheriff shall be appointed or reappointed for a term commencing on January 1, 2021, and every four years thereafter. Reappointments shall be subject to Council confirmation.

- (5) **Removal.** During the Term of appointment, the Sheriff may be removed from office only for cause by resolution receiving the affirmative vote of at least eight members of the Council. The Council shall not vote on the question of the removal of the Sheriff until the Council has provided the Sheriff the opportunity to be heard and to present a case for retention in office. The Council may enter executive session to discuss the question of removal as provided by general law; provided the Council holds at least one public hearing where the Sheriff and the public have an opportunity to be heard.
- (6) **Vacancy.** In the event of a vacancy prior to the expiration of the Sheriff's term, the County Executive shall appoint a successor 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 the Sheriff's 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 repeal of Section 5.08 and the proposed enactment of Article XVI 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 XVI of the Charter of the County of Cuyahoga, Ohio be enacted to provide for the appointment process of a Sheriff and to establish the powers, duties, qualifications, term, and removal process of the Sheriff; and shall Section 5.08 of the Charter providing for the appointment of the Sheriff by the County Executive be repealed?

SECTION 3. 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 day (120) days and not later than sixty (60) days before the November 5, 2019 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 4. 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 5, 2019 election. Provided that this Resolution receives the affirmative vote of eight (8) members of Council, it shall become immediately effective.

SECTION 5. 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 of 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 duly adopted.

Yeas: Tuma, Schron, Conwell, Jones, Brown, Stephens, Simon, Baker, Miller and Brady

Nays: Gallagher

County Council President

Date

Clerk of Council

Date

First Reading/Referred to Committee: June 25, 2019
Committee(s) Assigned: Committee of the Whole

Additional Sponsorship Requested: July 16, 2019

Legislation Substituted in Committee: July 23, 2019

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