

County Council of Cuyahoga County, Ohio

Resolution No. R2020-0016

Sponsored by: County Executive Budish/Department of Sustainability	A Resolution approving and concurring with amendments made to the Northeast Ohio Areawide Coordinating Agency (“NOACA”) Code of Regulations on 9/13/2019 as shown in NOACA Resolution No. 2019-041, and declaring the necessity that this Resolution become immediately effective.
Co-sponsor: Councilmember Miller	

WHEREAS, on September 13, 2019, the governing board of NOACA adopted the NOACA Board Resolution No. 2019-041 to amend the NOACA Code of Regulations; and,

WHEREAS, the amendments to Section 4.2 of the NOACA Code of Regulations do not become effective unless and until ratified by the five-member counties; and,

WHEREAS, Article IV of the NOACA Code of Regulations establishes the NOACA Board of Directors, providing for the Board’s duties, composition, alternates, terms, election of officers, vacancies, removal of members, compensation of board members, and applicability of Ohio Ethics Law; and,

WHEREAS, it is necessary that this Resolution become immediately effective in order that critical services provided by Cuyahoga County can continue and to provide for the usual, daily operation of a County entity.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNTY COUNCIL OF CUYAHOGA COUNTY, OHIO:

SECTION 1. That the Cuyahoga County Council hereby approves and concurs with the amendments made to the NOACA Code of Regulations on September 13, 2019, as shown in NOACA Resolution No. 2019-041.

SECTION 2. It is necessary that this Resolution become immediately effective for the usual daily operation of the County; the preservation of public peace, health, or safety in the County; and any additional reasons set forth in the preamble. Provided that this Resolution receives the affirmative vote of at least eight members of Council, it shall take effect and be in force immediately upon the earliest occurrence of any of the following: (1) its approval by the County Executive through signature, (2) the expiration of the time during which it may be disapproved by the County Executive under Section 3.10(6) of the Cuyahoga County Charter, or (3) its passage by at least

eight members of Council after disapproval pursuant to Section 3.10(7) of the Cuyahoga County Charter. Otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

SECTION 3. 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 Ms. Baker, the foregoing Resolution was duly adopted.

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

Nays: None


County Council President

1-29-20
Date


County Executive

1-29-20
Date


Clerk of Council

1/28/2020
Date

First Reading/Referred to Committee: January 14, 2020

Committee(s) Assigned: Council Operations, Intergovernmental Relations & Public Transportation

Additional Sponsorship Requested: January 22, 2020

Journal CC037
January 28, 2020

**RESOLUTION 2019-041
CODE OF REGULATIONS AMENDMENT –
BOARD OF DIRECTORS COMPOSITION**

**RESOLUTION OF THE BOARD OF DIRECTORS
OF THE
NORTHEAST OHIO AREAWIDE COORDINATING AGENCY**

WHEREAS, the Northeast Ohio Areawide Coordinating Agency (NOACA) is the Metropolitan Planning Organization (MPO) for the counties of Cuyahoga, Geauga, Lake, Lorain and Medina, and the areawide water quality management agency for the same region; and

WHEREAS, Resolution 2019-041 amended Section 4.2 of NOACA's Code of Regulations to provide for the assignment of membership on NOACA's Board of Directors based on the population of its member Counties, which membership will be automatically adjusted at each decennial census.; and

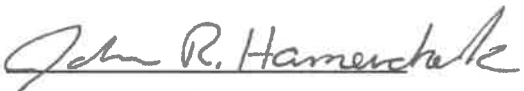
WHEREAS, Resolution 2019-041 required ratification by all of NOACA's five counties prior to January 1, 2020; and

WHEREAS, Due to unexpected administrative issues, all five NOACA Counties have not yet ratified Resolution 2019-041.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Northeast Ohio Areawide Coordinating Agency, consisting of 45 principal officials serving general purpose local governments throughout and within the counties of Cuyahoga, Geauga, Lake, Lorain, and Medina that:

Section 1. Resolution 2019-041 shall be amended to adjust the deadline for ratification to January 31, 2020.

Certified to be a true copy of a Resolution of the
Board of Directors of the Northeast Ohio Areawide
Coordinating Agency adopted this 13th day of December
2019.

Secretary: 

Date Signed: 12-13-2019

**RESOLUTION 2019-041
CODE OF REGULATIONS AMENDMENT –
BOARD OF DIRECTORS COMPOSITION**

**RESOLUTION OF THE BOARD OF DIRECTORS
OF THE
NORTHEAST OHIO AREAWIDE COORDINATING AGENCY**

WHEREAS, the Northeast Ohio Areawide Coordinating Agency (NOACA) is the Metropolitan Planning Organization (MPO) for the counties of Cuyahoga, Geauga, Lake, Lorain and Medina, and the areawide water quality management agency for the same region; and

WHEREAS, the Code of Regulations was last amended via Resolution 2015-024 to revise Transportation Subcommittee structure; and

WHEREAS, NOACA continued discussions relating to Board composition relative to proportional representation throughout 2015 and 2016, with no resolution; and

WHEREAS, the NOACA Governance Committee began to revisit this discussion in May of 2019; and

WHEREAS, the NOACA Governance Committee has recommended that the Code of Regulation's intended Board representation based on population of the five counties of Cuyahoga, Geauga, Lake, Lorain, and Medina be accomplished by providing for automatic adjustment of representation at each Decennial Census using a formula included in the Code of Regulations, beginning with the publication of the results of the 2020 Decennial Census; and

WHEREAS, the NOACA Governance Committee also recommended a provision ensuring that each of the five counties of Cuyahoga, Geauga, Lake, Lorain, and Medina be ensured a minimum of three seats on the Board, regardless of population; and

WHEREAS, the NOACA Governance Committee also recommended increasing the number of voting members of the Board to 46, beginning with the publication of the results of the 2020 Decennial Census; and

WHEREAS, the NOACA Governance Committee also recommended the necessary Code of Regulations changes to effect these changes;

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Northeast Ohio Areawide Coordinating Agency, consisting of 45 principal officials serving general purpose local governments throughout and within the counties of Cuyahoga, Geauga, Lake, Lorain, and Medina that:

Section 1. Section 4.2 of Article IV of the Code of Regulations is amended with the changes set forth in the attachment to this Resolution. These changes require the approval of the five counties of Cuyahoga, Geauga, Lake, Lorain, and Medina, from whom ratification is sought prior NOACA's first scheduled meeting of the Board of Directors in January 1, 2020. If written concurrence is not received by that date, the Governance Committee will consider if an extension to the ratification period is warranted, otherwise the changes contained in Article IV will be void and of no effect.

**RESOLUTION 2019-041
CODE OF REGULATIONS AMENDMENT –
BOARD OF DIRECTORS COMPOSITION**

Section 2. The Executive Director is authorized to transmit certified copies of this resolution to the appropriate federal, state, and local agencies.

Certified to be a true copy of a Resolution of the
Board of Directors of the Northeast Ohio Areawide
Coordinating Agency adopted this 13th day of September
2019.

Secretary: John R. Hamerschlag

Date Signed: 9-13-2019

ARTICLE IV

BOARD OF DIRECTORS

Section 4.2 Composition; Alternates; Term; Process for Apportioning Board Seats. The Board of Directors shall consist of representatives from the five-county area. The goal for representation is to bring to the Board's discussions and decision-making the principal elected officials and regional administrators of the NOACA area concerned with transportation and environmental planning, while assuring to the area's citizens an approximation of equal representation by population as reported in each decennial census subject to the requirement that each county shall have not less than three Board representatives. Board positions shall be granted-apportioned among the five counties and the City of Cleveland based on population to arrive at a Board of 46 total members, pursuant to the formula contained in Appendix II to this Code. Requirements of this section and individual Board members shall be specified annually at the first meeting. Each County and the City of Cleveland shall be responsible for assuring appropriate representation according to this section, recognizing the goal for representation, dues procedures and compliance within each County-jurisdiction's and the Agency's mission. Each member of the Board shall be entitled to vote on all matters submitted to the Board for a vote.

To apportion Board seats under this section, within 180 days following the publication of each decennial census, the Board shall calculate and determine such changes to Board composition as shall be necessary to conform to the requirements of this section. Such changes may be made by resolution of the Board of Directors and shall not require ratification by the five counties under Article IX.

		<u>Votes</u>
(a)	<u>Cuyahoga County</u>	
(i)	County Government	
	(A) County Executive	1
	(B) Director of Public Works	1
	(C) County Executive Appointee	1
	(D) County Council Member	1
(ii)	Regional Authorities	
	(A) Northeast Ohio Regional Sewer District	1
	(B) Greater Cleveland Regional Transit Authority (President of the Board of Trustees or General Manager, as the President of the Board of Trustees may designate)	1
	(C) Cleveland-Cuyahoga Port Authority	1
	TOTAL	7
(iii)	Cuyahoga Suburban Regions	
	(A) West Shore Region	1
	(B) Southwest Region	1
	(C) South/Central Region	1
	(D) Cuyahoga Region	1
	(E) Chagrin/Southeast Region	1
	(F) Heights Region	1

(G) Hillcrest Region	1
(H) City of Cleveland Heights	1
(I) City of Euclid	1
(J) City of Lakewood	1
(K) City of Parma	1
TOTAL	11
(iv) City of Cleveland	
(A) Mayor (Chief of Government Affairs).....	1
(B) Director of Capital Projects.....	1
(C) Council Member.....	1
(D) Council Member.....	1
(E) Council Member.....	1
(F) City Planning Director	1
TOTAL	6
(b) Geauga County	
(i) County Commissioner	1
(ii) County Commissioner	1
(iii) County Commissioner	1
TOTAL	3
(c) Lake County	
(i) County Commissioner	1
(ii) County Commissioner	1
(iii) County Commissioner	1
(iv) County Engineer	1
(v) Laketran	1
TOTAL	5
(d) Lorain County	
(i) County Commissioner	1
(ii) County Commissioner	1
(iii) County Commissioner (County Engineer).....	1
(iv) City of Lorain.....	1
(v) City of Elyria.....	1
(vi) Municipal Representative	1
(vii) Township Representative	1
TOTAL	7
(e) Medina County	
(i) County Commissioner	1
(ii) County Commissioner (Municipal Representative).....	1
(iii) County Commissioner (Township Representative).....	1
(iv) County Engineer	1
TOTAL	4
(f) State of Ohio	
(i) Department of Transportation.....	1
(appointment to be made by ODOT Director)	

Two additional seats.....2
allocated based on application of the formula contained in
Appendix II to this Code and assigned to reflect the population
reported in the decennial census.

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TOTAL464

Section 4.2 (g) Pursuant to contracts approved by the Board of Directors, a representative of the Ohio Environmental Protection Agency, Northeast District Office, is a non-voting ex officio member of the Board of Directors of the Agency. The Executive Director/Chairman of the Ohio Turnpike and Infrastructure Commission shall also be a non-voting ex officio member of the Board of Directors. The Departments of Development, Natural Resources and the Environmental Protection Agency of the State of Ohio, as well as such other agencies of government as the Board of Directors may approve by regulation adopted at a meeting, may be represented. Representatives of these agencies shall have rights established by the Board of Directors but shall not have a right to vote or a right of initiative.

APPENDIX II

Method of Seating NOACA Board of Directors Membership

At the January organizational meeting in the calendar year following the release of each Decennial Census, Board of Directors' Membership will be reconstituted based on the following method that is predicated on the Code of Regulations, which guarantees each County at least three seats on the Board of Directors.

- 1) Number of members for each County will be initially determined by the results of this formula (rounded to two decimal places), which ensures that each jurisdiction will have no fewer than three seats. The formula is implemented via an Excel spreadsheet.

$$M_i = \text{Max} \left(M_t \times \frac{P_i}{P_t}, 3 \right) \quad \text{for } i = 1, \dots, 6$$

Subject to

$$\sum_{i=1}^6 M_i \leq M_t$$

Where:

M_t = Desired voting membership total for the Counties

M_i = Desired voting membership for County i

P_t = Total Census population for the five Counties

P_i = Census Population for County i in progression

- 2) The results from step 1 are rounded to zero decimal places and summed. If the sum is greater or less than the desired total, proceed to step 3.
- 3) The necessary reduction or addition will be made by the greatest mantissa method. The mantissa is the remainder of a decimal number. In the greatest mantissa method, the largest remainder receives an extra unit, followed by the next largest and so on until the desired resulting total is reached. The three seat minimum would be maintained for each county.