

1 ORDINANCE NO. 2012-291

First Reading Passage Requested  
(J. Dodson)

2  
3 SPONSOR Mr. Pry

4  
5 DATE July 30, 2012

COMMITTEE Finance

6  
7 **An Ordinance amending Section 183.02 of the Codified Ordinances of County of Summit,**  
8 **entitled "Summit County Budget Commission," to provide that the Summit County Budget**  
9 **Commission shall consist of the County Executive, County Fiscal Officer and County**  
10 **Prosecutor, and ratifying all votes taken by the Commission since June 17, 2002, for the**  
11 **Executive, and declaring an emergency.**

12  
13 WHEREAS, at the November 6, 2001 general election, Summit County voters approved  
14 the consolidation of the County Treasurer and County Auditor into the new office of County  
15 Fiscal Officer; and

16  
17 WHEREAS, on June 17, 2002, the office of County Treasurer was consolidated with  
18 office of County Auditor pursuant to Article IV, Section 4.01(2) as a result of a vacancy in the  
19 office of County Auditor; and

20  
21 WHEREAS, at the time the office of County Fiscal Officer was created, Section 183.02  
22 of the Codified Ordinances of County of Summit, entitled "Summit County Budget  
23 Commission," provided that the Summit County Budget Commission consisted of "the Auditor,  
24 Treasurer, Prosecuting Attorney, and such other members as shall be elected in the manner  
25 provided by general law.;" and

26  
27 WHEREAS, in 2002, the County Executive began to serve as one of the three members  
28 of the Budget Commission to fill the vacant seat created with the consolidation of the offices of  
29 Auditor and Treasurer; and

30  
31 WHEREAS, in 2002, with the consolidation of the offices of County Auditor and County  
32 Treasurer, references to Auditor and Treasurer were replaced with "Fiscal Officer" throughout  
33 the Codified Ordinances; and

34  
35 WHEREAS, Section 183.02 was never amended to include the Executive as a member of  
36 the Budget Commission; and

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38 WHEREAS, it is necessary for this Council to amend Section 183.02 to provide that the  
39 Summit County Budget Commission shall consist of the County Executive, County Fiscal  
40 Officer and County Prosecutor, and ratify all votes taken by the Commission since January 1,  
41 2002; and

42  
43 WHEREAS, this Council finds and determines, after reviewing all pertinent information,  
44 that it is necessary and in the best interest of the County of Summit t to provide that the Summit  
45 County Budget Commission shall consist of the County Executive, County Fiscal Officer and  
46 County Prosecutor, and ratify all votes taken by the Commission since June 17, 2002;

47  
48 NOW, THEREFORE, IT IS HEREBY ORDAINED by the Council of the County of  
49 Summit, State of Ohio, that:  
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3  
4 SECTION 1

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6 Section 183.02 of the Codified Ordinances of County of Summit, entitled "Summit  
7 County Budget Commission," is amended as follows:

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9 **"183.02 SUMMIT COUNTY BUDGET COMMISSION.**

10 (a) There is hereby created the Summit County Budget Commission consisting of the  
11 County Executive, County Fiscal Officer, County Prosecuting Attorney, and such other members  
12 as shall be elected in the manner provided by general law. The Budget Commission shall  
13 assume all powers and duties as are vested in or imposed upon county budget commissions by  
14 general law, and shall perform such other duties as may be provided by ordinance or resolution  
15 of Council.

16 (b) The Budget Commission shall meet at the office of the Fiscal Officer on the first  
17 Monday in February and first Monday in August, annually. All proceedings shall be open to the  
18 public and comply with notice and open meeting requirements as provided by general law.

19 (c) The Budget Commission shall complete its work on or before September 1 of  
20 each year, unless for good cause the State Tax Commissioner extends the time for completing the  
21 work.

22 (d) In the event the State Tax Commissioner extends the time to complete work or  
23 any request is filed by the Budget Commission for an extension of time to complete work, the  
24 Budget Commission shall notify the Executive and Council on or before such extension is  
25 granted or such request made.

26 (e) A majority of the members of the Budget Commission shall constitute a quorum,  
27 provided that no action of the Budget Commission shall be valid unless approved by a majority  
28 of its members.

29 (f) Members of the Budget Commission shall be reimbursed as provided by general  
30 law.

31 (g) The Fiscal Officer shall serve as Secretary of the Budget Commission and shall  
32 keep a full and accurate record of all proceedings open for public inspection.

33 (h) The Budget Commission shall determine its own rules and order of business. All  
34 rules and all agendas, minutes of proceedings, rulings, decisions, policies or other authoritative  
35 matters of a continuing nature shall be in written form, immediately forwarded to the Executive  
36 and Council and kept as other public records, available to the public as provided by general law.

37 (i) The Budget Commission shall provide to the Executive and Council the County's  
38 official certificate of estimated resources together with such certification as required by general  
39 law on or before September 1 of each year for those funds to be available the following fiscal  
40 year.

41 (j) Revisions of the estimated revenues due the County for the following fiscal year  
42 shall be made by the Budget Commission, and a revised official certificate of estimated  
43 resources shall be issued to the Executive and Council by the Budget Commission on or before  
44 November 1 of each year, which shall also include all revenues collected from a new source not  
45 included in the official certificate and, upon certification of the Fiscal Officer that excess  
46 balances and receipts to date exceed the certified estimate, such excess funds received.

47 (k) If a tax levy or issue has been placed upon the November ballot, decision of  
48 which shall affect the certification of resources to the County, the Budget Commission shall  
49 issue its revised official certificate of estimated resources as if such tax levy or issue will fail. If  
50 such tax levy or issue does not fail, the Budget Commission shall issue another revised official  
51 certificate to the Executive and Council including such additional resources realized from the tax  
52 levy or issue within three (3) days of the election.

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4 SECTION 1 (cont'd.)

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6 (l) On or before January 20 of each year, the Fiscal Officer shall certify to the  
7 Executive, Council and Budget Commission unencumbered year-end and carry-over fund  
8 balances from the previous year.

9 (m) The Budget Commission after receiving the certification of the Fiscal Officer as  
10 to year-end and carry-over fund balances from the previous year shall revise its estimate of  
11 resources available for expenditure by the County and shall certify to the Executive and Council  
12 an amended official certificate of estimated resources by January 31 of each year.”

13  
14 SECTION 2

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16 This Council hereby ratifies all votes taken by the Summit County Budget Commission  
17 since June 17, 2002 as if Section 183.02 had been amended prior to that date to provide that the  
18 Summit County Budget Commission shall consist of the County Executive, County Fiscal  
19 Officer and County Prosecutor.

20  
21 SECTION 3

22  
23 This Ordinance is hereby declared to be an emergency in the interest of the health, safety  
24 and welfare of the citizens of the County of Summit, Ohio, and for the further reason that it is  
25 necessary in order to immediately amend Section 183.02 to provide that the Summit County  
26 Budget Commission shall consist of the County Executive, County Fiscal Officer and County  
27 Prosecutor and to ratify all votes taken by the Budget Commission since June 17, 2002, the  
28 effective date of the consolidation of the offices of County Auditor and County Treasurer into  
29 the office of County Fiscal Officer.

30  
31 SECTION 4

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33 Provided this Ordinance receives the affirmative vote of eight members, it shall take  
34 effect immediately upon its adoption and approval by the Executive; otherwise, it shall take  
35 effect and be in force at the earliest time provided by law.

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2 PAGE FOUR

3  
4 SECTION 5

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6 It is found and determined that all formal actions of this Council concerning and relating  
7 to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all  
8 were in meetings open to the public, in compliance with all legal requirements, including Section  
9 121.22 of the Ohio Revised Code.

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12 INTRODUCED July 30, 2012

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14 ADOPTED July 30, 2012

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18 CLERK OF COUNCIL

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26 PRESIDENT OF COUNCIL

APPROVED August 1, 2012

EXECUTIVE

ENACTED EFFECTIVE August 1, 2012

Voice Vote: 10-0. YES: Comunale, Crawford, Feeman, Kostandaras, Kurt, Lee  
Rodgers, Roemer, Schmidt, Shapiro. Absent: Prentice