

1 RESOLUTION NO. 2019-232

2  
3 SPONSOR Ms. Shapiro

4  
5 DATE June 17, 2019 COMMITTEE Committee of the Whole

6  
7 **A Resolution submitting to the electors of the County of Summit at the November 5, 2019**  
8 **general election a proposed charter amendment, as recommended by the 2018-2019**  
9 **Charter Review Commission, to repeal the first paragraph of Article III, Section 3.04 to**  
10 **allow County Council to set its own rules and procedures concerning the election of**  
11 **officers, for the Charter Review Commission, and declaring an emergency.**

12  
13 WHEREAS, Section 3, Article X of the Ohio Constitution provides that “[t]he people of  
14 any county may frame and adopt . . . a charter . . .;” and

15  
16 WHEREAS, the voters of the County of Summit approved the adoption of the County  
17 Charter on November 6, 1979; and

18  
19 WHEREAS, Article V, Section 5.06 of the County Charter provides that “[p]roposed  
20 amendments to [the] Charter shall be submitted to the electors of the County by a vote of at least  
21 two-thirds of the members of the County Council...;” and

22  
23 WHEREAS, Article V, Section 5.03 of the Charter provides for a nine member Charter  
24 Review Commission to meet in September 2003 and every five years thereafter to review the  
25 Charter and make recommendations concerning the amendment of the Charter; and

26  
27 WHEREAS, this Council previously adopted Motion 032-2018, which confirmed the  
28 appointments of Mr. James Armstrong, Ms. Helen J. Humphrys, Mr. Cazzell Smith, Sr., Ms.  
29 Laura Wallerstein, Ms. Lisa Miller, Mr. Omar Banks, Ms. Sylvia Trundle, Mr. Charley Sollie  
30 and Mr. Jeff Snell to the 2018-2019 Charter Review Commission; and

31  
32 WHEREAS, this Council subsequently adopted Motion 004-2019, which confirmed the  
33 appointment of Ms. Katherine Procop to replace Mr. Charles Sollie on the 2018-2019 Charter  
34 Review Commission; and

35  
36 WHEREAS, the Commission met from October 19, 2018, through May 21, 2019, and  
37 produced a Final Report recommending two amendments to the Charter, including the  
38 amendment that is proposed by this Resolution; and

39  
40 WHEREAS, in its Final Report, submitted to this Council on June 3, 2019, the Charter  
41 Review Commission recommends the amendment of the Charter to repeal the first paragraph of  
42 Article III, Section 3.04 to allow County Council to set its own rules and procedures concerning  
43 the election of officers; and

44  
45 WHEREAS, this Council finds and determines, after reviewing all pertinent information,  
46 that it is necessary and in the best interest of the County of Summit to adopt the Commission’s  
47 recommendation and that the citizens of the County should be permitted to decide at the  
48 November 5, 2019 general election whether to amend the Charter to repeal the first paragraph of  
49 Article III, Section 3.04 to allow County Council to set its own rules and procedures concerning  
50 the election of officers;

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4 NOW, THEREFORE, BE IT RESOLVED by the Council of the County of Summit, State  
5 of Ohio, two-thirds of all the members elected thereto concurring, that:

6  
7 SECTION 1

8  
9 The following question as to whether the Charter of the County of Summit shall be  
10 amended, as set forth herein, shall be submitted to the electors of the County of Summit at the  
11 general election to be held November 5, 2019.

12  
13 SECTION 2

14  
15 The ballot form for this question shall be as follows:

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17  
18  
19  
20 PROPOSED AMENDMENT TO COUNTY CHARTER

21  
22 A majority affirmative vote is necessary for passage.

23  
24 (Vote ballot with "X")

25  
26 Shall the Charter of the County of Summit be amended to allow County Council to set its own  
27 rules, including its order of business and the identity, term and procedure for electing its officers?

28  
29 FOR THE AMENDMENT \_\_\_\_\_

30  
31 AGAINST THE AMENDMENT \_\_\_\_\_

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35  
36 SECTION 3

37  
38 If approved by the electors of the County of Summit, the first paragraph of Article III,  
39 Section 3.04(C) of the Charter, entitled "Organization, Rules and Procedures," is hereby repealed  
40 as follows:

41  
42 **"SECTION 3.04 ORGANIZATION, RULES AND PROCEDURES.**

43 ~~On the first Monday of each year which is not a legal holiday, the County Council shall~~  
44 ~~organize by electing one of its members as President and one other member as Vice-President for~~  
45 ~~terms of one year. The President shall preside at all meetings of the County Council. The Vice~~  
46 ~~President shall preside in case of the absence or disability of the President. The presiding officer~~  
47 ~~shall be entitled to vote on all matters.~~

48 The County Council shall determine its own rules, and including its order of business and  
49 the identity, term and procedure for electing its officers. The Clerk of Council shall keep and  
50 make available for public inspection at all reasonable times a record of proceedings of the  
51 County Council in which the vote of each member voting on an ordinance or resolution shall be  
52 recorded.  
53



3  
4 SECTION 3 (Cont.)

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6 All legislative action shall be by resolution or ordinance introduced in written or printed  
7 form. Each resolution and ordinance shall contain no more than one subject which shall be  
8 clearly expressed in its title.

9 No ordinance or resolution shall be passed until it has been read, which may be by title  
10 only, at three different regular County Council meetings or the requirement of three readings has  
11 been dispensed with by a vote of at least two-thirds of the members of the County Council.

12 No action of the County Council shall be valid or binding unless adopted by the  
13 affirmative vote of at least a majority of the members of the County Council. Each ordinance or  
14 resolution shall be signed by the presiding officer and promptly presented by the Clerk of  
15 Council to the County Executive for approval or disapproval.

16 If the County Executive approves such measure, it shall be signed and returned to the  
17 Clerk of Council within ten days after its adoption, but if not, the County Executive shall return  
18 it to the County Council within said ten days with the written objections, which objections shall  
19 be entered in full in the record of proceedings of the County Council. The County Executive may  
20 approve or disapprove the whole or any item of an ordinance or resolution appropriating money,  
21 but otherwise the approval or disapproval shall be addressed to the entire ordinance or resolution.  
22 If such measure is not returned within said ten-day period, it shall take effect in the same manner  
23 as if the County Executive had signed it.

24 When the County Executive has disapproved an ordinance or resolution, or a part or item  
25 thereof as herein provided, the County Council shall, not later than its second regular meeting  
26 thereafter, proceed to reconsider it, and if upon reconsideration the measure is approved by at  
27 least two-thirds of the members of County Council, it shall then take effect as if it had received  
28 the approval of the County Executive.

29 Each ordinance or resolution shall take effect in the manner and at the time provided by  
30 general law for ordinances or resolution of cities. Each emergency measure shall take effect,  
31 unless a later time is specified therein, upon its signature by the County Executive, or upon the  
32 expiration of the time within which it may be disapproved, or upon its passage after disapproval  
33 by the County Executive, as the case may be, shall contain a statement of the necessity for such  
34 emergency action and shall require the affirmative vote of at least two-thirds of the members of  
35 the County Council for enactment.”

36  
37 SECTION 4

38  
39 The Clerk of Council shall certify the question set forth herein to the Board of Elections  
40 of the County of Summit no later than the ninetieth day prior to the General Election of  
41 November 5, 2019.

42  
43 SECTION 5

44  
45 Notice of the proposed amendment set forth herein shall be given by the Clerk of Council  
46 by publishing the full text of the proposed amendment once a week for at least two (2)  
47 consecutive weeks in a newspaper published in the County as set forth in Section 307.70 of the  
48 Ohio Revised Code.  
49

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4 SECTION 6

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6 This Resolution is hereby declared an emergency in the interest of the health, safety, and  
7 welfare of the residents of the County of Summit, and for the further purpose to ensure that this  
8 Resolution takes effect before the Board of Elections' deadline for submitting the proposed  
9 Charter Amendment.

10  
11 SECTION 7

12  
13 Provided that this Resolution receives the affirmative vote of eight (8) members, it shall  
14 take effect immediately upon its adoption and approval by the Executive; otherwise, it shall take  
15 effect and be in force at the earliest time provided by law.

16  
17 SECTION 8

18  
19 It is found and determined that all formal actions of this Council concerning and relating  
20 to the adoption of this Resolution were adopted in an open meeting of this Council, and that all  
21 deliberations of this Council and of any of its committees that resulted in such formal action,  
22 were in meetings open to the public, in compliance with all legal requirements, including Section  
23 121.22 of the Ohio Revised Code.

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26 INTRODUCED June 3, 2019

27  
28 ADOPTED June 17, 2019

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32 CLERK OF COUNCIL

31  
32  
33 PRESIDENT OF COUNCIL

34 APPROVED June 18, 2019

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39 EXECUTIVE

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38  
39 June 18, 2019  
ENACTED EFFECTIVE

Voice Vote: 10-0 YES: Dickinson, Donofrio, Feeman, Koehler,  
McKenney, Prentice, Rodgers, Schmidt, Walters, Wilhite  
ABSENT: Hamilton