

1 RESOLUTION NO. 2016-139

First Reading Passage Requested
(I. Shapiro)

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4 SPONSOR Mrs. Shapiro, Mr. Pry, Ms. Walters, Mr. Feeman, Mrs. Prentice, Mr. Schmidt,
5 Mr. Kostandaras, Mr. Donofrio, Mr. Wilhite, Mr. Crawford

6
7 DATE April 25, 2016 COMMITTEE Committee of the Whole

8
9 **A Resolution urging the United States Senate to advise and consent on the President's**
10 **nomination of Judge Merrick Garland to the Supreme Court of the United States, for the**
11 **Executive and Council, and declaring an emergency.**

12
13 WHEREAS, the Constitution of the United States provides that the Senate shall provide
14 Advice and Consent for appointments to the Supreme Court of the United States; and

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16 WHEREAS, the Senate's constitutional duty to advise and consent on judicial nominees
17 is one of its most important and solemn responsibilities; and

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19 WHEREAS, the Senate has confirmed more than a dozen Supreme Court justices in
20 presidential election years, including five in the last 100 years; and

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22 WHEREAS, the Senate has confirmed justices in presidential election years in which the
23 executive and legislative branches of government were divided between two political parties,
24 including Justice Anthony Kennedy's confirmation in 1988; and

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26 WHEREAS, the Senate Judiciary Committee has never denied a Supreme Court nominee
27 a hearing since it began holding public confirmation hearings; and

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29 WHEREAS, if the Senate refuses to consider a Supreme Court nominee until after the
30 next President is sworn into office, it will result in the longest Supreme Court vacancy caused by
31 Senate inaction since the Civil War; and

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33 WHEREAS, the Supreme Court serves an essential function resolving critical questions
34 of law that affect our community, its economy, and its citizens; and

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36 WHEREAS, the President has nominated Merrick Garland, Chief Judge of the U.S. Court
37 of Appeals for the District of Columbia Circuit, who "has earned a track record of building
38 consensus as a thoughtful, fair-minded judge who follows the law"; and

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40 WHEREAS, Judge Garland is well-qualified and has more judicial experience than any
41 Supreme Court nominee in history; and

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43 WHEREAS, forcing the Supreme Court to function with only eight justices risks creating
44 numerous instances in which the Court is evenly divided on the outcome of a case, preventing
45 the Court from resolving conflicting interpretations of the Constitution among different regions
46 of the Nation and thereby undermining the Supreme Court's role as the final arbiter of the law;
47 and

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49 WHEREAS, every Supreme Court nominee who was not withdrawn by the President has
50 received an up-or-down vote within 125 days of President's nomination announcement; and

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4 WHEREAS, this Council finds and determines, after reviewing all pertinent information,
5 that it is necessary and in the best interest of the County to urge the United States Senate to
6 provide advice and consent on the President's Supreme Court nominee, Judge Merrick Garland.
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8 NOW, THEREFORE, BE IT RESOLVED by the Council of the County of Summit, State
9 of Ohio, that:

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11 SECTION 1

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13 This Council hereby urges the United States Senate to perform its constitutional duty to
14 provide advice and consent on the President's Supreme Court nominee by:

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16 (A) Promptly scheduling a hearing of the Senate Judiciary Committee for Judge Merrick
17 Garland, so that his nomination can be considered on its merits in an open and transparent
18 manner;

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20 (B) Holding a confirmation vote on the Senate floor, with opportunity for debate on
21 Judge Merrick Garland's nomination; and

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23 (C) Working on behalf of the people of the United States to ensure that the vacancy on
24 the Supreme Court is filled without undue and unnecessary delay so that the Supreme Court can
25 effectively serve its essential Constitutional function as the final arbiter of the law.
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27 SECTION 2

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29 The Clerk of Council is hereby authorized and directed to forward a copy of this
30 Resolution to the United States Senate and to the Senators representing the state of the Ohio.
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32 SECTION 3

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34 This Resolution is hereby declared an emergency in the interest of the health, safety and
35 welfare of the citizens of the County of Summit, and for the further reason of urging the United
36 States Senate to act immediately to avoid the aforementioned negative consequences of an
37 ongoing unfilled seat on the Supreme Court.
38

39 SECTION 4

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41 Provided this Resolution receives the affirmative vote of eight members, it shall take
42 effect immediately upon its adoption and approval by the Executive; otherwise, it shall take
43 effect and be in force at the earliest time provided by law.
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45 SECTION 5

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47 It is found and determined that all formal actions of this Council concerning and relating
48 to the adoption of this Resolution were adopted in an open meeting of this Council, and that all
49 deliberations of this Council and of any of its committees that resulted in such formal action,
50 were in meetings open to the public, in compliance with all legal requirements, including Section
51 121.22 of the Ohio Revised Code.
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INTRODUCED April 25, 2016

ADOPTED April 25, 2016



CLERK OF COUNCIL



PRESIDENT OF COUNCIL

APPROVED April 26, 2016



EXECUTIVE

ENACTED EFFECTIVE April 26, 2016

Voice Vote: 9-1: YES: Crawford, Donofrio, Feeman, Kostandaras, Prentice,
Schmidt, Shapiro, Walters, Wilhite
NO: Rodgers
ABSENT: Lee