

1 RESOLUTION NO. 2021-321

2
3 SPONSOR Council President Walters

4
5 DATE October 4, 2021

COMMITTEE Rules

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7 **A Resolution clarifying the term “public office” for the purposes of membership on the**
8 **Nonpartisan Independent Council Fair Districting Commission, for Council and declaring**
9 **an emergency.**

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11 WHEREAS, Section 3.01.4 of Article III of the County of Summit Charter, titled
12 Apportionment, was amended by action of the electors of the County in 2015 to adopt the
13 creation of the Nonpartisan Independent Council Fair Districting Commission (the
14 “Commission”), a body whose role is the drawing of Council legislative districts upon
15 completion of a decennial census; and

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17 WHEREAS, that amendment requires that “...the Council shall appoint five electors of
18 the County, not more than three of whom shall be members of the same political party and none
19 of whom shall hold public office or be an officer of a political party, who shall constitute...” the
20 Commission and although “political party” has a clear meaning, “public office” is not a term
21 defined within the section, or otherwise clearly defined at law; and

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23 WHEREAS, elected officials have cause to be specifically interested in how Council
24 Districts may be defined, thus creating a potential conflict of interest, for an elected official who
25 would otherwise qualify to serve on the Commission; and

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27 WHEREAS, Council, pursuant to the policy making authority granted to it by Section
28 3.03 of Article III of the Charter, desires to clarify this term to remove the ambiguity by
29 declaring that “public office” shall mean elected public office; and

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31 WHEREAS, this Council finds and determines, after reviewing all pertinent information,
32 that it is necessary and in the best interest of the County of Summit to clarify this term to remove
33 doubt as to what constitutes “public office” for purposes of the Commission;

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35 NOW, THEREFORE, BE IT RESOLVED by the Council of the County of Summit, State
36 of Ohio, that:

37
38 SECTION 1

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40 For the purposes of establishing service on the Nonpartisan Independent Council Fair
41 Districting Commission (the “Commission”), the term “public office” shall mean elected public
42 office.

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44 SECTION 2

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46 This Resolution is hereby declared an emergency in the interest of the health, safety and
47 welfare of the residents of the County of Summit and for the further reason that it is immediately
48 necessary in order to clarify this term to remove doubt as to what constitutes “public office” for
49 purposes of the Commission.

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SECTION 3

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

SECTION 4

It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Resolution were adopted in an open meeting of this 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.

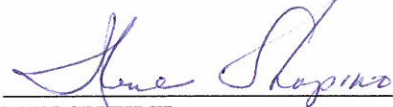
INTRODUCED October 4, 2021

ADOPTED October 4, 2021


CLERK OF COUNCIL


PRESIDENT OF COUNCIL

APPROVED October 5, 2021


EXECUTIVE

ENACTED EFFECTIVE October 5, 2021

Voice Vote - YES: 10-0: DeVitis, Dickinson, Donofrio, Feeman, McKenney, Rodgers, Schmidt, Sims, Walters, Wilhite
ABSENT: Darrow