

RESOLUTION NO. 2009-316

**LATE FILING**

SPONSOR Mr. Crossland, Mr. Kostandaras, Mr. Feeman, Mrs. Prentice, Mr. Comunale, Mr. Poda, Mrs. Rodgers

DATE Motion to adopt fails 7-4

COMMITTEE Rules

**A Resolution submitting to the electors of the County of Summit at the November 3, 2009 general election a proposed charter amendment amending Article III, Section 3.04 of the County Charter to provide that Council's organizational meeting and its elections for Council President and Vice-President shall be set by Council by its own rules and order of business, for the County Council, and declaring an emergency.**

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

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

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

WHEREAS, Article III, Section 3.04 of the Charter currently provides that "[o]n the first day of each year which is not a Saturday, Sunday or legal holiday, the County Council shall organize by electing one of its members as President and one other member as Vice-President for terms of one year;" and

WHEREAS, Section 3.04 further provides that "[t]he County Council shall determine its own rules and order of business;" and

WHEREAS, pursuant to Section 3.04, County Council has adopted Council Rules; and

WHEREAS, County Council desires to determine the date of its organizational meeting and the terms of its President and Vice-President through its Rules; and

WHEREAS, County Council proposes to submit to the citizens of the County of Summit at the November 3, 2009 general election the question of whether to amend Article III, Section 3.04 of the Charter to provide that Council shall determine the date of its organizational meeting and the length of the terms of its President and Vice-President through its Rules; and

WHEREAS, this Council has determined by reviewing all pertinent information that it is necessary and in the best interest of the County of Summit that the citizens of the County should be permitted to decide at the November 3, 2009 general election whether to amend Article III, Section 3.04 of the Charter to provide that Council shall determine the date of its organizational meeting and the length of the terms of its President and Vice-President through its Rules;

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

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SECTION 1

The following question as to whether the Charter of the County of Summit shall be amended, as set forth herein shall be submitted to the electors of the County of Summit at the general election to be held November 3, 2009.

SECTION 2

The ballot form for this question shall be as follows:

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PROPOSED AMENDMENT TO COUNTY CHARTER

A majority affirmative vote is necessary for passage.

(Vote ballot with "X")

Shall the Charter of the County of Summit be amended to provide that County Council shall determine the date of its organizational meeting and the length of the terms of its President and Vice-President through its rules?

FOR THE AMENDMENT \_\_\_\_\_

AGAINST THE AMENDMENT \_\_\_\_\_

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SECTION 3

Article III, Section 3.04 of the Charter of the County of Summit, entitled "Organization, Rules and Procedure," is hereby amended as follows:

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

The County Council shall determine its own rules and order of business. County Council shall establish the date of its organizational meeting through its Council Rules. On the first day of each year which is not a Saturday, Sunday or legal holiday At its organizational meeting, the County Council shall organize by electing one of its members as President and one other member as Vice-President for terms of one year the length of which shall be established through its Council Rules. The President shall preside at all meetings of the County Council. The Vice President shall preside in case of the absence or disability of the President. The presiding officer shall be entitled to vote on all matters.

~~The County Council shall determine its own rules and order of business.~~ The Clerk of Council shall keep and make available for public inspection at all reasonable times a record of proceedings of the County Council in which the vote of each member voting on an ordinance or

SECTION 3 (Cont.)

resolution shall be recorded.

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

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

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

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

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

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

SECTION 4

The Clerk of Council shall certify the question set forth herein to the Board of Elections of the County of Summit no later than the sixtieth day prior to the General Election of November 3, 2009.

SECTION 5

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

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SECTION 6

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

SECTION 7

Provided that this Resolution receives the affirmative vote of eight (8) 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 8

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 August 10, 2009

ADOPTED Motion to adopt fails 7-4 August 31, 2009

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CLERK OF COUNCIL

\_\_\_\_\_  
PRESIDENT OF COUNCIL

APPROVED \_\_\_\_\_

\_\_\_\_\_  
EXECUTIVE

ENACTED EFFECTIVE \_\_\_\_\_

August 31, 2009 Motion to Adopt Fails

**Roll Call Vote: 7-4 Proposed Charter Amendments require 8 votes for approval pursuant to Charter Section 5.06.**

**YES: Schmidt, Smith, Crawford, Feeman, Rodgers, Shapiro, Kostandaras, NO: Crossland, Comunale, Poda, Prentice**