

RESOLUTION NO. 2009-311

SPONSOR Mr. Pry, pursuant to the recommendation of the Charter Review Commission

DATE August 31, 2009

COMMITTEE Rules

An amended Resolution submitting to the electors of the County of Summit at the November 3, 2009 general election a proposed charter amendment, as recommended by the 2008-09 Charter Review Commission, amending Article IV and Article II, Section 2.03 of the Charter to, effective January 1, 2013, consolidate and transfer the powers and duties of the County Engineer to the County Executive, who shall have on staff a supervising engineer and sufficient registered professional engineers and registered professional surveyors necessary to exercise the powers and perform the duties of county engineers, to provide that no election shall be held for the office of County Engineer in 2012 and to, effective January 1, 2013, abolish the office of County Engineer, for the Charter Review Commission, 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 V, Section 5.03 of the Charter provides for a nine member Charter Review Commission to meet in September 2003 and every five years thereafter to review the Charter and make recommendations concerning the amendment of the Charter; and

WHEREAS, this Council previously adopted Motion 044-2008, which confirmed the appointments of Mr. J. Edward Pearce, Mr. Richard E. Dobbins, Ms. Louise Heydorn, Ms. Diana Zaleski, Mr. David C. Luff, Dr. Donna M. Neff, Mr. Gary J. Dellapa, Mr. Maher Holozadah, and Ms. Bernett Williams to the 2008-2009 Charter Review Commission; and

WHEREAS, the Commission met from September 16, 2008, through July 29, 2009, and produced a Final Report recommending several amendments to the Charter, including the amendment that is proposed by this Resolution; and

WHEREAS, in its Final Report, the Charter Review Commission recommends that Article IV and Article II, Section 2.03 of the Charter be amended to, effective January 1, 2013, consolidate and transfer the powers and duties of the County Engineer to the County Executive, who shall have on staff sufficient registered professional engineers and registered professional surveyors necessary to exercise the powers and perform the duties of county engineers, to provide that no election shall be held for the office of County Engineer in 2012 and to, effective January 1, 2013, abolish the office of County Engineer; 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 to adopt the Commission's recommendation and 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, effective January 1, 2013, consolidate and transfer the powers and duties of the County Engineer to the County Executive, who shall have on staff sufficient registered professional engineers and registered professional surveyors necessary to exercise the powers and perform the duties of county engineers, to provide that no election shall be held for the office of County Engineer in 2012 and to, effective January 1, 2013, abolish the office of County Engineer;

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:

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:

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, effective January 1, 2013, consolidate and transfer the powers and duties of the County Engineer to the County Executive, who shall be required to employ ~~keep~~ a supervising engineer and a sufficient number of registered professional engineers and registered professional surveyors ~~on staff~~ and to eliminate the office of County Engineer in 2013 and the election for that office in 2012?

FOR THE AMENDMENT _____

AGAINST THE AMENDMENT _____

SECTION 3

Article IV of the Charter of the County of Summit, entitled "Elected Office Holders," is hereby amended to add new Section 4.05, entitled, "Consolidation and Reallocation of Powers and Duties of County Engineer," as follows:

**"ARTICLE IV
ELECTED OFFICE HOLDERS**

SECTION 4.05 CONSOLIDATION AND REALLOCATION OF POWERS AND DUTIES OF COUNTY ENGINEER.

Effective upon a vacancy or as of January 1, 2013, whichever is earlier, the elective office of Engineer is abolished, and no election for such office shall be held at the 2012 general election in the County. Thereafter, all powers now or hereafter vested in and all duties now or hereafter imposed upon county engineers by general law shall be exercised and carried out by the County Executive, in addition to such powers and duties established by County Council that are not inconsistent with those provided by general law.

The County Executive shall employ a sufficient number of (i) registered professional engineers and (ii) registered professional surveyors, all of which must be licensed to practice in this State of Ohio, as are necessary to perform and undertake the powers and duties of county engineers as set forth in the general law, and such additional powers and duties as established by County Council that are not inconsistent with those provided by general law.

Within the department that administers engineering for the County, the County Executive shall employ a supervising engineer who shall supervise the engineering division, and shall be either a registered professional engineer or both a registered professional engineer and a registered professional surveyor, licensed to practice in the State of Ohio. The Executive shall also employ a sufficient number of registered professional engineers, licensed to practice in the State of Ohio, as are necessary to perform and undertake the powers and duties of county engineers as set forth in the general law, and such additional powers and duties established by County Council that are not inconsistent with those provided by general law. In the event that the supervising engineer is not a registered professional surveyor, the Department shall employ at a minimum of one registered professional surveyor, licensed to practice in the State of Ohio.

Effective January 1, 2013, all references in this Charter to the office of County Engineer shall be deleted."

SECTION 4

Article II, Section 2.03 of the Charter of the County of Summit, entitled "Powers and Duties of the County Executive," is hereby amended as follows:

"SECTION 2.03 POWERS AND DUTIES OF THE COUNTY EXECUTIVE.

The County Executive shall have all the powers and duties of an administrative nature under this Charter and responsibility for the day-to-day running of the departments, offices and agencies of County government under his or her jurisdiction and control. Such powers and duties include, but are not limited to, the following:

SECTION 4 (Cont.)

(1) To appoint, suspend, discipline and remove all county personnel except those who, as provided by general law, are under the jurisdiction of officers, boards, agencies, commissions and authorities of a county other than the board of county commissioners, and except those who are appointed by the County Council pursuant to Section 3.03 (l) of this Charter.

(2) To appoint officers and members of boards, agencies, commissions and authorities required by general law to be appointed by boards of county commissioners and of such additional boards, commissions, agencies and authorities as may hereafter be created pursuant to this Charter. No such appointment shall be effective until confirmed by the County Council, but if the County Council shall fail to act on an appointment within sixty days, it shall become effective without such approval. The County Executive shall use good faith efforts to reflect the diversity of the people of the County in appointing such officers and members.

(3) To approve or veto any ordinance or resolution as provided in Section 3.04 of this Charter.

(4) To serve, in person or by his delegate, as a member of the County Board of Revision.

(5) To execute contracts, conveyances and evidences of indebtedness on behalf of the County.

(6) To attend meetings of the County Council and take part in the discussion of all matters before County Council.

(7) To introduce ordinances and resolutions for consideration by the County Council and otherwise to make recommendations for actions to be taken by the County.

(8) To submit to the County Council a proposed operating budget for each fiscal year which shall contain at least the following:

(a) A statement of estimated revenues from all sources, including fund balances from the preceding year;

(b) A statement of proposed expenditures, shown by department, office, agency, authority, board and commission, and by activity, character and object and not exceeding estimated revenues for such year;

(c) A schedule of estimated revenues and proposed expenditures for each County department, office, agency, authority, board and commission, on a quarterly or more frequent basis; and

(d) A summary of the contents of the proposed operating budget.

(9) To submit annually to the County Council a capital improvements program which shall contain at least the following:

(a) The capital improvements scheduled for, or proposed to be undertaken within, the current fiscal year, together with the estimated cost of each improvement and the proposed or established method of financing;

(b) The capital improvements proposed for the five years next succeeding the current fiscal year, together with the estimated cost of each improvement and the proposed or established method of financing; and

(c) A summary of the detailed contents of the program.

(d) A five year debt management projection for capital improvements.

(10) To submit a written message to the County Council accompanying the proposed operating budget and capital improvements program explaining the budget both in fiscal terms and in terms of work to be done, outlining the proposed financial policies of the County for the current fiscal year and describing the important features of the budget. The message shall

SECTION 4 (Cont.)

include any proposals for major changes in financial policies and in expenditures, appropriations and revenues as compared with the preceding fiscal year and the reasons for such proposals, and an itemization and explanation of each proposed capital improvement.

The operating budget and capital improvements program and accompanying message shall be submitted to the County Council by February 15 of each year.

(11) To conduct collective bargaining regarding uniform wages and compensatory benefits with any recognized employee bargaining unit and administer uniform personnel procedures for all County employees of the County Fiscal Officer, Clerk of the Court of Common Pleas, Medical Examiner, County Engineer, Prosecuting Attorney, Sheriff, County Council and County Executive.

(12) To submit to the County Council annually a five year financial forecast for the general operating funds of the County.

(13) Effective January 1, 2013, to exercise the powers and perform the duties prescribed by Section 4.05 of this Charter."

SECTION 5

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 6

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.

SECTION 7

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 to ensure that this Resolution takes effect before the Board of Elections' deadline for submitting the proposed Charter Amendment.

SECTION 8

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.

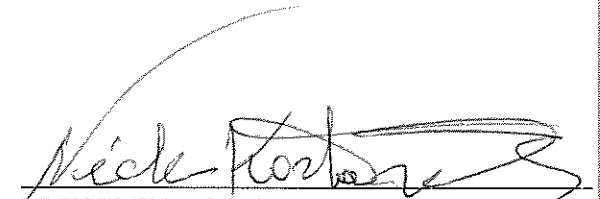
SECTION 9

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 August 31, 2009


CLERK OF COUNCIL


PRESIDENT OF COUNCIL

APPROVED August 31, 2009


EXECUTIVE

ENACTED EFFECTIVE August 31, 2009

Roll Call Vote: 8-3 YES: Crossland, Schmidt, ^{Prentice}~~Prentice~~, Smith, Crawford, Feeman, Shapiro, Kostandaras NO: Comunale, Poda, Rodgers

Charter amendments require 8 affirmative votes pursuant to the Summit County Charter Section 5.06.