

1 RESOLUTION NO. 2015-331

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3 SPONSORS Ms. Shapiro, Ms. Kurt, Mr. Comunale, Mr. Crawford, Mr. Donofrio, Mr.  
4 Feeman, Mr. Kostandaras, Ms. Lee, Mr. Schmidt and Mrs. Prentice

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6 DATE AUGUST 17, 2015 COMMITTEE Committee of the Whole

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8 **An amended Resolution submitting to the electors of the County of Summit at the**  
9 **November 3, 2015 general election a proposed charter amendment amending Article III,**  
10 **Section 3.01.4 of the Summit County Charter to create a Nonpartisan Independent**  
11 **Council Fair Districting Commission to apportion Council into legislative districts**  
12 **commencing with the Federal decennial census of 2020, to establish principles for said**  
13 **apportionment and to maintain Council legislative districts within their current boundaries**  
14 **until the Federal decennial census of 2020, for the Council, and declaring an emergency.**

15  
16 WHEREAS, Section 3, Article X of the Ohio Constitution provides that “[t]he people of  
17 any county may frame and adopt . . . a charter . . .;” and

18  
19 WHEREAS, the voters of the County of Summit approved the adoption of the County  
20 Charter on November 6, 1979; and

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

25  
26 WHEREAS, following the decennial census of 2010, County Council, which is elected by  
27 the citizens of Summit County, adopted Amended Resolution No. 2011-320, which fulfilled  
28 Council’s duty under Article III, Section 3.01.4 to apportion Council into legislative districts; and

29  
30 WHEREAS, this Council finds and determines that the current Council legislative  
31 districts should be maintained until the Federal decennial census of 2020 because they were  
32 apportioned pursuant to the Charter that was enacted by the citizens of Summit County and to  
33 maintain consistency during this decennial period; and

34  
35 WHEREAS, an initiative is scheduled to appear on the 2015 general election ballot that  
36 will appoint a nonpartisan independent committee to apportion State Senate and Representative  
37 legislative districts following the 2020 federal census; and

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39 WHEREAS, Cuyahoga County’s Charter provides for a nonpartisan independent  
40 committee to apportion the Cuyahoga County Council districts, and first did so following the  
41 2010 federal census; and

42  
43 WHEREAS, throughout the United States, several initiatives are underway to create  
44 nonpartisan independent committees for the purpose of apportioning various legislative districts  
45 at the state and local levels of government; and

46  
47 WHEREAS, consistent with these other initiatives, this Council desires to amend the  
48 County Charter to provide for a Nonpartisan Independent Council Fair Districting Commission,  
49 composed of five electors not more than three of whom shall be members of the same political  
50 party and none of whom shall hold public office or be an officer of a political party, that will  
51 apportion Council legislative districts following the 2020 federal census; and

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4 WHEREAS, this Council further finds and determines that principles should be  
5 established to govern said apportionment of Council into legislative districts, but which should  
6 not include an artificial limitation upon the division of political subdivisions into more than one  
7 Council District based upon a random percentage of population; and

8  
9 WHEREAS, this Council finds and determines, after reviewing all pertinent information,  
10 that it is necessary and in the best interest of the County of Summit that the citizens of the  
11 County should be permitted to decide at the November 3, 2015 general election whether to  
12 amend Article III, Section 3.01.4 of the Summit County Charter Article III, Section 3.01.4 of the  
13 Summit County Charter to create a ~~n~~Nonpartisan Independent Council Fair Districting  
14 Commission to apportion Council into legislative districts commencing with the Federal  
15 decennial census of 2020, to establish principles for said apportionment and to maintain Council  
16 legislative districts within their current boundaries until the Federal decennial census of 2020;

17  
18 NOW, THEREFORE, BE IT RESOLVED by the Council of the County of Summit, State  
19 of Ohio, two-thirds of all the members elected thereto concurring, that:

20  
21 SECTION 1

22  
23 The following question as to whether the Charter of the County of Summit shall be  
24 amended, as set forth herein, shall be submitted to the electors of the County of Summit at the  
25 general election to be held November 3, 2015.

26  
27 SECTION 2

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29 The ballot form for this question shall be as follows:

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33  
34 PROPOSED AMENDMENT TO COUNTY CHARTER

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36 A majority affirmative vote is necessary for passage.

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38 (Vote ballot with "X")

39  
40 Shall the Charter of the County of Summit be amended to create a ~~n~~Nonpartisan ~~i~~ndependent  
41 Council Fair Districting Commission to apportion Council into fair legislative districts  
42 commencing with the Federal decennial census of 2020, to establish principles for said  
43 apportionment and to maintain current Council legislative districts within their current  
44 boundaries until the Federal decennial census of 2020?  
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4 SECTION 2 (Cont.)

5  
6 FOR THE AMENDMENT \_\_\_\_\_

7  
8 AGAINST THE AMENDMENT \_\_\_\_\_

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10 \_\_\_\_\_  
11 \_\_\_\_\_  
12 SECTION 3

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14  
15 If approved by the electors of the County of Summit, Article III, Section 3.01.4 of the  
16 Charter of the County of Summit is hereby amended as follows:

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19 **“SECTION 3.01.4 APPORTIONMENT BY NONPARTISAN INDEPENDENT COUNCIL**  
20 **FAIR DISTRICTING COMMISSION.**

21  
22 Beginning in July of 1991, the County Council by ordinance shall apportion the County  
23 into legislative districts. Every district shall be of substantially equal populations, compact and  
24 composed of contiguous territory and formed by combining the areas of governmental units  
25 giving preference in the order named to townships, municipalities and city wards and  
26 precincts. In making any new apportionment, district boundaries established by the preceding  
27 apportionment shall be adopted to the extent reasonably consistent with the other requirements  
28 of law. No later than December 31st of the publication year of each recurring decennial  
29 Federal census, except when a County Council district election falls the year after publication  
30 of the census in which case no later than October 1st of the year of publication of the census,  
31 the County Council shall apportion the County into districts as herein provided. If the County  
32 Council fails to apportion the County into districts by the deadlines set forth herein, the County  
33 Executive shall within thirty days thereafter submit to the County Council a plan for  
34 apportionment of the County. The County Council shall within thirty (30) days after receiving  
35 the County Executive’s plan apportion the County as herein provided, and if it does not  
36 apportion the County within thirty (30) days the County Executive’s plan shall become  
37 effective until the next recurring decennial Federal census when the County shall be again  
38 apportioned as herein provided. The County Council may at any time, by the affirmative vote  
39 of at least two-thirds of the members of the County Council, make minor adjustments to the  
40 legislative districts to make the boundaries of the districts identical to precinct boundaries as  
41 established by the Board of Elections to facilitate the administration of elections within the  
42 County of Summit between each recurring decennial Federal census.

43  
44 (A) Current Districts to be maintained. The eight districts from which the members of the  
45 Council shall be elected at the November 8, 2016 general election shall be the legislative  
46 districts as apportioned by Council following the decennial Federal census of 2010.  
47 There shall be no changes made to Council legislative districts prior to the decennial  
48 Federal census of 2020 except that by the affirmative vote of at least two-thirds of the  
49 members, Council may make minor adjustments to the Council legislative districts to  
50 make the boundaries of the districts identical to precinct boundaries as established by  
51 the Board of Elections to facilitate the administration of elections within the County of  
52 Summit.  
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4 SECTION 3 (Cont.)

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6 (B) Redistricting. Immediately following each decennial Federal census commencing with  
7 the census of 2020, the Council shall appoint five electors of the County, not more than  
8 three of whom shall be members of the same political party and none of whom shall hold  
9 public office or be an officer of a political party, who shall constitute a Nonpartisan  
10 Independent Council Fair Districting Commission. The Commission shall, not later than  
11 one hundred twenty days following its appointment, prepare and certify to the Board of  
12 Elections of the County of Summit a detailed apportionment of the Council districts in  
13 accordance with the principles provided for in this section. The County Executive shall  
14 provide for the Commission such facilities and assistance as shall be required for the  
15 Commission to carry out its duties as provided for herein. That apportionment shall be  
16 completed by the same date as the apportionment for the Ohio General Assembly and  
17 shall be effective for the first regular County election thereafter.

18  
19 (C) Principles for Establishing District Boundaries. All districts shall be of substantially  
20 equal population, compact and composed of contiguous territory and formed by  
21 combining existing areas of governmental units, giving preference, in the order named, to  
22 townships, municipalities and city wards and precincts. All portions of a district must be  
23 contiguous. When a political subdivision has a noncontiguous portion, it shall be  
24 considered contiguous to the remainder of the political subdivision for the purposes of  
25 redistricting. Precincts shall not be divided for the purpose of creating Council districts;  
26 however, political subdivisions may be divided between more than one Council district  
27 with no limitation upon the division of a political subdivision among districts. To the  
28 degree allowable by federal and state law, consideration will be given to district  
29 boundaries that broaden the opportunities for historically under-represented and minority  
30 communities to elect representatives to the Council. The Council may establish  
31 additional criteria for the Independent Council Fair Districting Commission to use for the  
32 purpose of drawing district boundaries, in order to achieve a government that is effective,  
33 efficient, and at the same time, accountable, responsive, and fairly representative, as long  
34 as such criteria do not conflict with the Constitution of the United States of America, the  
35 Constitution of the State of Ohio and applicable federal or state law.

36  
37 SECTION 4

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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 sixtieth day prior to the General Election of November  
41 3, 2015.

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43 SECTION 5

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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.  
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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 citizens of the County of Summit, and for the further purpose of 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 July 20, 2015

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28 ADOPTED AUGUST 17, 2015

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33 CLERK OF COUNCIL

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PRESIDENT OF COUNCIL

APPROVED AUGUST 18, 2015

EXECUTIVE

AUGUST 18, 2015  
ENACTED EFFECTIVE

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