

1 RESOLUTION NO. 2019-234

2
3 SPONSOR Ms. Shapiro

4
5 DATE _____ COMMITTEE Committee of the Whole

6
7 **A Resolution submitting to the electors of the County of Summit at the November 5, 2019**
8 **general election a proposed charter amendment, as recommended by the 2018-2019**
9 **Charter Review Commission, to adopt Article XI, entitled “Storm Water Management**
10 **Commission” to address problems with storm water runoff in Summit County, for the**
11 **Charter Review Commission, and declaring an emergency.**

12
13 WHEREAS, Section 3, Article X of the Ohio Constitution provides that “[t]he people of
14 any county may frame and adopt . . . a charter . . .;” and

15
16 WHEREAS, the voters of the County of Summit approved the adoption of the County
17 Charter on November 6, 1979; and

18
19 WHEREAS, Article V, Section 5.06 of the County Charter provides that “[p]roposed
20 amendments to [the] Charter shall be submitted to the electors of the County by a vote of at least
21 two-thirds of the members of the County Council...;” and

22
23 WHEREAS, Article V, Section 5.03 of the Charter provides for a nine member Charter
24 Review Commission to meet in September 2003 and every five years thereafter to review the
25 Charter and make recommendations concerning the amendment of the Charter; and

26
27 WHEREAS, this Council previously adopted Motion 032-2018, which confirmed the
28 appointments of Mr. James Armstrong, Ms. Helen J. Humphrys, Mr. Cazzell Smith, Sr., Ms.
29 Laura Wallerstein, Ms. Lisa Miller, Mr. Omar Banks, Ms. Sylvia Trundle, Mr. Charley Sollie
30 and Mr. Jeff Snell to the 2018-2019 Charter Review Commission; and

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32 WHEREAS, this Council subsequently adopted Motion 004-2019, which confirmed the
33 appointment of Ms. Katherine Procop to replace Mr. Charles Sollie on the 2018-2019 Charter
34 Review Commission; and

35
36 WHEREAS, the Commission met from October 19, 2018, through May 21, 2019, and
37 produced a Final Report recommending two amendments to the Charter, including the
38 amendment that is proposed by this Resolution; and

39
40 WHEREAS, in its Final Report, submitted to this Council on June 3, 2019, the Charter
41 Review Commission recommends the amendment of the Charter to adopt Article XI, entitled
42 “Storm Water Management Commission” to address problems with storm water runoff in
43 Summit County; and

44
45 WHEREAS, this Council finds and determines, after reviewing all pertinent information,
46 that it is necessary and in the best interest of the County of Summit to adopt the Commission’s
47 recommendation and that the citizens of the County should be permitted to decide at the
48 November 5, 2019 general election whether to amend the Charter to adopt Article XI, entitled
49 “Storm Water Management Commission” to address problems with storm water runoff in
50 Summit County;

51

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

6

7 SECTION 1

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9 The following question as to whether the Charter of the County of Summit shall be
10 amended, as set forth herein, shall be submitted to the electors of the County of Summit at the
11 general election to be held November 5, 2019.

12

13 SECTION 2

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

16

17

18

19

20 PROPOSED AMENDMENT TO COUNTY CHARTER

21

22

A majority affirmative vote is necessary for passage.

23

24

(Vote ballot with "X")

25

26 Shall the Charter of the County of Summit be amended to adopt Article XI, creating a Storm
27 Water Management Commission to address storm water runoff in Summit County?

28

29 FOR THE AMENDMENT _____

30

31 AGAINST THE AMENDMENT _____

32

33

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36 SECTION 3

37

38 If approved by the electors of the County of Summit, Article XI., entitled "Storm Water
39 Management Commission" is hereby adopted as follows:

40

41

"ARTICLE XI

42

STORM WATER MANAGEMENT COMMISSION

43

44 There shall be a Storm Water Management Commission under the direction of the
45 County Executive that shall:

46

47 (1) Work with the County Engineer to propose county-wide regional watershed storm
48 water management goals and strategies to improve storm water facilities, discharges, water
49 quality and reduce property damage from flooding within Summit County.

50

51 (2) Engage with the appropriate agencies, departments, boards, commissions and all
52 political subdivisions within Summit County in developing strategies to implement a plan.

3

4 SECTION 3 (Cont.)

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6 (3) Work with existing, interested agencies to develop public education programs to
7 increase participation and awareness in assisting communities in implementing best practices.

8

9 (4) Work with the Engineer and appropriate Summit County communities and
10 agencies in developing regional watershed management plans with neighboring Counties and
11 communities.

12

13 (5) Partner with the Engineer and all Summit County communities in storm water
14 management planning to better leverage local resources and develop long-term solutions for the
15 region.

16

17 The Storm Water Management Commission, shall consist of the County Executive, the
18 County Engineer and the President of Summit County Council and five (5) other electors of the
19 County. Included in the other electors shall be a representative from the County Mayor's
20 Association and the County Township Association. All agencies, departments, boards,
21 commissions and political subdivisions of the County that have an interest in storm water may
22 serve as ad hoc members of the Commission and shall receive regular updates of its activities.
23 The County Executive, the County Engineer and the Council President may each appoint an
24 alternate to serve in their respective places.

25

26 The members of the Storm Water Commission shall be appointed by the County
27 Executive and confirmed by County Council and be persons with experience in storm water
28 management. The term of office of each member of the Storm Water Management Commission
29 shall be two (2) years. The terms shall be staggered so that no term expires within less than two
30 (2) years of the expiration of any other term. A vacancy occurring during a term shall be filled by
31 the County Executive for the unexpired term in the same manner as a regular appointment.

32

33 Of the terms of office for the initial appointees, the County Executive, County Engineer
34 and President of County Council shall have no term and shall serve by virtue of their office.
35 Two (2) members, other than a Representative from the County Mayor's Association and the
36 Township Association shall initially be appointed to a one (1) year term and the remaining
37 members shall be appointed to a two (2) year term. The County Executive shall nominate the
38 initial appointees to the Storm Water Management Commission no later than December 15,
39 2019, and thereafter within thirty (30) days after the occurrence of a vacancy. If County Council
40 fails to accept or reject a nomination within forty-five (45) days of its having been presented to
41 it, the nomination shall be deemed confirmed.

42

43 The County Executive may remove any member of the Storm Water Management
44 Commission for inefficiency, neglect of duty or malfeasance in office, after notice and public
45 hearing before County Council, provided that two-thirds of the County Council concur.

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47 SECTION 4

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49 The Clerk of Council shall certify the question set forth herein to the Board of Elections
50 of the County of Summit no later than the ninetieth day prior to the General Election of
November 5, 2019.

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4 SECTION 5

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

10

11 SECTION 6

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

17

18 SECTION 7

19

20 Provided that this Resolution receives the affirmative vote of eight (8) members, it shall
21 take effect immediately upon its adoption and approval by the Executive; otherwise, it shall take
22 effect and be in force at the earliest time provided by law.

23

24 SECTION 8

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26 It is found and determined that all formal actions of this Council concerning and relating
27 to the adoption of this Resolution were adopted in an open meeting of this Council, and that all
28 deliberations of this Council and of any of its committees that resulted in such formal action,
29 were in meetings open to the public, in compliance with all legal requirements, including Section
30 121.22 of the Ohio Revised Code.

31

32 INTRODUCED June 3, 2019

33

34 ADOPTED _____

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37 _____

38 CLERK OF COUNCIL

39

PRESIDENT OF COUNCIL

40 APPROVED _____

41

42

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44 _____

45 EXECUTIVE

46

ENACTED EFFECTIVE