ORDINANCE NO. 2012-291

SPONSOR Mr. Pry

DATE July 30, 2012

First Reading Passage Requested
(J. Dodson)

COMMITTEE Finance

An Ordinance amending Section 183.02 of the Codified Ordinances of County of Summit, entitled "Summit County Budget Commission," to provide that the Summit County Budget Commission shall consist of the County Executive, County Fiscal Officer and County Prosecutor, and ratifying all votes taken by the Commission since June 17, 2002, for the Executive, and declaring an emergency.

WHEREAS, at the November 6, 2001 general election, Summit County voters approved the consolidation of the County Treasurer and County Auditor into the new office of County Fiscal Officer; and

WHEREAS, on June 17, 2002, the office of County Treasurer was consolidated with office of County Auditor pursuant to Article IV, Section 4.01(2) as a result of a vacancy in the office of County Auditor; and

WHEREAS, at the time the office of County Fiscal Officer was created, Section 183.02 of the Codified Ordinances of County of Summit, entitled "Summit County Budget Commission," provided that the Summit County Budget Commission consisted of "the Auditor, Treasurer, Prosecuting Attorney, and such other members as shall be elected in the manner provided by general law;" and

WHEREAS, in 2002, the County Executive began to serve as one of the three members of the Budget Commission to fill the vacant seat created with the consolidation of the offices of Auditor and Treasurer; and

WHEREAS, in 2002, with the consolidation of the offices of County Auditor and County Treasurer, references to Auditor and Treasurer were replaced with "Fiscal Officer" throughout the Codified Ordinances; and

WHEREAS, Section 183.02 was never amended to include the Executive as a member of the Budget Commission; and

WHEREAS, it is necessary for this Council to amend Section 183.02 to provide that the Summit County Budget Commission shall consist of the County Executive, County Fiscal Officer and County Prosecutor, and ratify all votes taken by the Commission since January 1, 2002; and

WHEREAS, this Council finds and determines, after reviewing all pertinent information, that it is necessary and in the best interest of the County of Summit to provide that the Summit County Budget Commission shall consist of the County Executive, County Fiscal Officer and County Prosecutor, and ratify all votes taken by the Commission since June 17, 2002;

NOW, THEREFORE, IT IS HEREBY ORDAINED by the Council of the County of Summit, State of Ohio, that:
SECTION 1

Section 183.02 of the Codified Ordinances of County of Summit, entitled “Summit County Budget Commission,” is amended as follows:

“183.02 SUMMIT COUNTY BUDGET COMMISSION.

(a) There is hereby created the Summit County Budget Commission consisting of the County Executive, County Fiscal Officer, County Prosecuting Attorney, and such other members as shall be elected in the manner provided by general law. The Budget Commission shall assume all powers and duties as are vested in or imposed upon county budget commissions by general law, and shall perform such other duties as may be provided by ordinance or resolution of Council.

(b) The Budget Commission shall meet at the office of the Fiscal Officer on the first Monday in February and first Monday in August, annually. All proceedings shall be open to the public and comply with notice and open meeting requirements as provided by general law.

(c) The Budget Commission shall complete its work on or before September 1 of each year, unless for good cause the State Tax Commissioner extends the time for completing the work.

(d) In the event the State Tax Commissioner extends the time to complete work or any request is filed by the Budget Commission for an extension of time to complete work, the Budget Commission shall notify the Executive and Council on or before such extension is granted or such request made.

(e) A majority of the members of the Budget Commission shall constitute a quorum, provided that no action of the Budget Commission shall be valid unless approved by a majority of its members.

(f) Members of the Budget Commission shall be reimbursed as provided by general law.

(g) The Fiscal Officer shall serve as Secretary of the Budget Commission and shall keep a full and accurate record of all proceedings open for public inspection.

(h) The Budget Commission shall determine its own rules and order of business. All rules and all agendas, minutes of proceedings, rulings, decisions, policies or other authoritative matters of a continuing nature shall be in written form, immediately forwarded to the Executive and Council and kept as other public records, available to the public as provided by general law.

(i) The Budget Commission shall provide to the Executive and Council the County's official certificate of estimated resources together with such certification as required by general law on or before September 1 of each year for those funds to be available the following fiscal year.

(j) Revisions of the estimated revenues due the County for the following fiscal year shall be made by the Budget Commission, and a revised official certificate of estimated resources shall be issued to the Executive and Council by the Budget Commission on or before November 1 of each year, which shall also include all revenues collected from a new source not included in the official certificate and, upon certification of the Fiscal Officer that excess balances and receipts to date exceed the certified estimate, such excess funds received.

(k) If a tax levy or issue has been placed upon the November ballot, decision of which shall affect the certification of resources to the County, the Budget Commission shall issue its revised official certificate of estimated resources as if such tax levy or issue will fail. If such tax levy or issue does not fail, the Budget Commission shall issue another revised official certificate to the Executive and Council including such additional resources realized from the tax levy or issue within three (3) days of the election.
SECTION 1 (cont'd.)

(l) On or before January 20 of each year, the Fiscal Officer shall certify to the Executive, Council and Budget Commission unencumbered year-end and carry-over fund balances from the previous year.

(m) The Budget Commission after receiving the certification of the Fiscal Officer as to year-end and carry-over fund balances from the previous year shall revise its estimate of resources available for expenditure by the County and shall certify to the Executive and Council an amended official certificate of estimated resources by January 31 of each year.”

SECTION 2

This Council hereby ratifies all votes taken by the Summit County Budget Commission since June 17, 2002 as if Section 183.02 had been amended prior to that date to provide that the Summit County Budget Commission shall consist of the County Executive, County Fiscal Officer and County Prosecutor.

SECTION 3

This Ordinance is hereby declared to be an emergency in the interest of the health, safety and welfare of the citizens of the County of Summit, Ohio, and for the further reason that it is necessary in order to immediately amend Section 183.02 to provide that the Summit County Budget Commission shall consist of the County Executive, County Fiscal Officer and County Prosecutor and to ratify all votes taken by the Budget Commission since June 17, 2002, the effective date of the consolidation of the offices of County Auditor and County Treasurer into the office of County Fiscal Officer.

SECTION 4

Provided this Ordinance 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.
ORDINANCE NO. 2012-291

SECTION 5

It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

INTRODUCED July 30, 2012

ADOPTED July 30, 2012

CLERK OF COUNCIL

APPROVED August 1, 2012

EXECUTIVE

ENACTED EFFECTIVE August 1, 2012

Voice Vote: 10-0. YES: Comunale, Crawford, Feeman, Kostandaras, Kurt, Lee Rodgers, Roemer, Schmidt, Shapiro. Absent: Prentice