An Ordinance amending Section 109.04 of the Codified Ordinances of the County of Summit, currently entitled “Records Commission Membership,” and to be entitled “Records Commission,” for the Executive’s Department of Law, Insurance and Risk Management, and declaring an emergency.

WHEREAS, in 2013, the Ohio Attorney General opined that special taxing districts with the same territorial boundaries as a county, such as the County of Summit Alcohol, Drug Addiction and Mental Health Services Board (“ADM Board”), had to create their own public records commissions; and

WHEREAS, following the aforementioned opinion, the Ohio General Assembly adopted Sub. H.B. No. 72, which amended Section 149.412(B) of the Ohio Revised Code to allow a special taxing district with the same territorial boundaries as a county to contract with the county’s records commission to perform records commission responsibilities on behalf of the special taxing district, said provision to take effect on January 30, 2014; and

WHEREAS, the ADM Board has requested that the County amend its Codified Ordinances to authorize the County Executive to enter into the agreement contemplated by Section 149.412(B) of the Ohio Revised Code with the ADM Board; and

WHEREAS, the County Executive has recommended that Section 109.04 of the Codified Ordinances of the County of Summit currently entitled “Records Commission Membership,” and to be entitled “Records Commission,” be amended to provide the County Executive the authority to enter into the aforementioned agreements with special taxing districts with the same territorial boundaries as a county, for the Summit County Records Commission to serve as the public records commission for such special taxing districts, including, but not limited to, the ADM Board; 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 amend Section 109.04 of the Codified Ordinances in the manner set forth herein.

NOW, THEREFORE, BE IT ORDAINED by the Council of the County of Summit, State of Ohio, that:

SECTION 1

Section 109.04 of the Codified Ordinances of the County of Summit, currently entitled “Records Commission Membership,” and to be entitled “Records Commission,” is hereby amended as follows:

109.04 RECORDS COMMISSION MEMBERSHIP.

(a) There is hereby created the Summit County Records Commission, which shall operate pursuant to Chapter 149 of the Ohio Revised Code.
ORDINANCE NO. _______ 2014-072____

PAGE TWO

SECTION 1 (Cont.)

(b) The Summit County Records Commission shall be comprised of the County Executive, President of Council, County Prosecuting Attorney, County Fiscal Officer, and the Clerk of the Court of Common Pleas or their designees pursuant to the Ohio Revised Code and the Codified Ordinances of the County of Summit.

The Chief of Staff and Clerk of Council are hereby designated as alternates to the President of Council.

(c) Pursuant to Section 149.412(B) of the Ohio Revised Code, the County Executive is hereby authorized to enter into an agreement with any special taxing district, the territory of which is coextensive with the territorial limits of Summit County, for the Summit County Records Commission to be designated as the records commission for that special taxing district. Said agreement shall provide that the Summit County Records Commission is authorized to exercise all of the duties and responsibilities of the special taxing district records commission and shall further set forth the terms and conditions under which the Summit County Records Commission will perform public records-related functions, including establishing records retention and destruction schedules on behalf of the special taxing district.

SECTION 2

The Ordinance 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 reason of immediately amending the aforementioned section in order to timely comply with the revision to Section 149.412(B) of the Ohio Revised Code.

SECTION 3

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.

SECTION 4

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 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.
ORDINANCE NO. 2014-072

PAGE THREE

INTRODUCED January 27, 2014

ADOPTED February 10, 2014

CLERK OF COUNCIL

APPROVED February 11, 2014

EXECUTIVE

ENACTED EFFECTIVE February 11, 2014

Voice Vote: 11-0 YES: Comunale, Crawford, Feeman, Kostandaras, Kurt, Lee, Prentice, Rodgers, Roemer, Schmidt, Shapiro