

1 ORDINANCE NO. 2014-072

**Late Filing**

2  
3 SPONSOR Mr. Pry

4  
5 DATE February 10, 2014

COMMITTEE Rules

6  
7 **An Ordinance amending Section 109.04 of the Codified Ordinances of the County of**  
8 **Summit, currently entitled “Records Commission Membership,” and to be entitled**  
9 **“Records Commission,” for the Executive’s Department of Law, Insurance and Risk**  
10 **Management, and declaring an emergency.**

11  
12 WHEREAS, in 2013, the Ohio Attorney General opined that special taxing districts with  
13 the same territorial boundaries as a county, such as the County of Summit Alcohol, Drug  
14 Addiction and Mental Health Services Board (“ADM Board”), had to create their own public  
15 records commissions; and

16  
17 WHEREAS, following the aforementioned opinion, the Ohio General Assembly adopted  
18 Sub. H.B. No. 72, which amended Section 149.412(B) of the Ohio Revised Code to allow a  
19 special taxing district with the same territorial boundaries as a county to contract with the  
20 county’s records commission to perform records commission responsibilities on behalf of the  
21 special taxing district, said provision to take effect on January 30, 2014; and

22  
23 WHEREAS, the ADM Board has requested that the County amend its Codified  
24 Ordinances to authorize the County Executive to enter into the agreement contemplated by  
25 Section 149.412(B) of the Ohio Revised Code with the ADM Board; and

26  
27 WHEREAS, the County Executive has recommended that Section 109.04 of the Codified  
28 Ordinances of the County of Summit currently entitled “Records Commission Membership,” and  
29 to be entitled “Records Commission,” be amended to provide the County Executive the authority  
30 to enter into the aforementioned agreements with special taxing districts with the same territorial  
31 boundaries as a county, for the Summit County Records Commission to serve as the public  
32 records commission for such special taxing districts, including, but not limited to, the ADM  
33 Board; and

34  
35 WHEREAS, this Council finds and determines, after reviewing all pertinent information,  
36 that it is necessary and in the best interest of the County of Summit, to amend Section 109.04 of  
37 the Codified Ordinances in the manner set forth herein.

38  
39 NOW, THEREFORE, BE IT ORDAINED by the Council of the County of Summit, State  
40 of Ohio, that:

41  
42 **SECTION 1**

43  
44 Section 109.04 of the Codified Ordinances of the County of Summit, currently entitled  
45 “Records Commission Membership,” and to be entitled “Records Commission,” is hereby  
46 amended as follows:

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48 **109.04 RECORDS COMMISSION MEMBERSHIP.**

- 49  
50 (a) There is hereby created the Summit County Records Commission, which shall  
51 operate pursuant to Chapter 149 of the Ohio Revised Code.  
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4 SECTION 1 (Cont.)

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

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

14  
15 (c) Pursuant to Section 149.412(B) of the Ohio Revised Code, the County Executive  
16 is hereby authorized to enter into an agreement with any special taxing district,  
17 the territory of which is coextensive with the territorial limits of Summit County,  
18 for the Summit County Records Commission to be designated as the records  
19 commission for that special taxing district. Said agreement shall provide that the  
20 Summit County Records Commission is authorized to exercise all of the duties  
21 and responsibilities of the special taxing district records commission and shall  
22 further set forth the terms and conditions under which the Summit County  
23 Records Commission will perform public records-related functions, including  
24 establishing records retention and destruction schedules on behalf of the special  
25 taxing district.

26  
27 SECTION 2

28  
29 The Ordinance is hereby declared an emergency in the interest of the health, safety and  
30 welfare of the citizens of the County of Summit, and for the further reason of immediately  
31 amending the aforementioned section in order to timely comply with the revision to Section  
32 149.412(B) of the Ohio Revised Code.

33  
34 SECTION 3

35  
36 Provided this Ordinance receives the affirmative vote of eight members, it shall take  
37 effect immediately upon its adoption and approval by the Executive; otherwise it shall take effect  
38 and be in force at the earliest time provided by law.

39  
40 SECTION 4

41  
42 It is found and determined that all formal actions of this Council concerning and relating  
43 to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all  
44 deliberations of this Council and of any of its committees that resulted in such formal action,  
45 were in meetings open to the public, in compliance with all legal requirements, including Section  
46 121.22 of the Ohio Revised Code.

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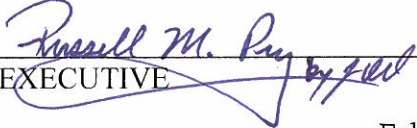
INTRODUCED January 27, 2014

ADOPTED February 10, 2014

  
CLERK OF COUNCIL

  
PRESIDENT 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