

1 RESOLUTION NO. 2014-282

2  
3 SPONSOR Mr. Pry, pursuant to the recommendation of the Charter Review Commission

4  
5 DATE June 16, 2014 COMMITTEE Rules

6  
7 **A Resolution submitting to the electors of the County of Summit at the November 4, 2014**  
8 **general election a proposed charter amendment, as recommended by the 2013-2014**  
9 **Charter Review Commission, to amend Article III, Section 3.04 of the Summit County**  
10 **Charter to provide that on the first Monday of each year which is not a legal holiday, the**  
11 **County Council shall organize by electing one of its members as President and one other**  
12 **member as Vice-President for terms of one year, for the Charter Review Commission, and**  
13 **declaring an emergency.**

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

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

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

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

28  
29 WHEREAS, this Council previously adopted Motion 029-2013, which confirmed the  
30 appointments of Mr. Patrick J. Darrow, Mr. Richard E. Dobbins, Ms. Laraine Duncan, Mr.  
31 Daniel R. Flowers, Ms. Helen J. Humphrys, Mr. Kyle Kutuchief, Ms. Angelina Milo, Mr.  
32 Carmen V. Roberto and Mr. Cazzell M. Smith to the 2013-2014 Charter Review Commission;  
33 and

34  
35 WHEREAS, the Commission met from September 26, 2013, through May 6, 2014, and  
36 produced a Final Report recommending two amendments to the Charter, including the  
37 amendment that is proposed by this Resolution; and

38  
39 WHEREAS, in its Final Report, submitted to this Council on June 9, 2014, the Charter  
40 Review Commission recommends the amendment of the Charter to provide that on the first  
41 Monday of each year which is not a legal holiday, the County Council shall organize by electing  
42 one of its members as President and one other member as Vice-President for terms of one year;  
43 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 4, 2014 general election whether to amend the Charter to provide that on the first  
49 Monday of each year which is not a legal holiday, the County Council shall organize itself;  
50

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2 PAGE TWO

3  
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

8  
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 4, 2014.

12  
13 SECTION 2

14  
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 provide that on the first Monday of  
27 each year which is not a legal holiday, the County Council shall organize by electing one of its  
28 members as President and one other member as Vice-President for terms of one year?

29  
30 FOR THE AMENDMENT \_\_\_\_\_

31  
32 AGAINST THE AMENDMENT \_\_\_\_\_

33  
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36  
37 SECTION 3

38  
39 If approved by the electors of the County of Summit, Article III, Section 3.04 of the  
40 Charter, entitled "Organization, Rules and Procedures," is hereby amended as follows:

41  
42 "ARTICLE III  
43 THE COUNTY COUNCIL

44 \*\*\*

45  
46 SECTION 3.04 ORGANIZATION, RULES AND PROCEDURES.

47 On the first ~~day~~ Monday of each year which is not a ~~Saturday, Sunday~~ or legal holiday,  
48 the County Council shall organize by electing one of its members as President and one other  
49 member as Vice-President for terms of one year. The President shall preside at all meetings of  
50 the County Council. The Vice President shall preside in case of the absence or disability of the

3  
4 SECTION 3 (Cont.)

5  
6 President. The presiding officer shall be entitled to vote on all matters.

7 The County Council shall determine its own rules and order of business. The Clerk of  
8 Council shall keep and make available for public inspection at all reasonable times a record of  
9 proceedings of the County Council in which the vote of each member voting on an ordinance or  
10 resolution shall be recorded.

11 All legislative action shall be by resolution or ordinance introduced in written or printed  
12 form. Each resolution and ordinance shall contain no more than one subject which shall be  
13 clearly expressed in its title.

14 No ordinance or resolution shall be passed until it has been read, which may be by title  
15 only, at three different regular County Council meetings or the requirement of three readings has  
16 been dispensed with by a vote of at least two-thirds of the members of the County Council.

17 No action of the County Council shall be valid or binding unless adopted by the  
18 affirmative vote of at least a majority of the members of the County Council. Each ordinance or  
19 resolution shall be signed by the presiding officer and promptly presented by the Clerk of  
20 Council to the County Executive for approval or disapproval.

21 If the County Executive approves such measure, it shall be signed and returned to the  
22 Clerk of Council within ten days after its adoption, but if not, the County Executive shall return it  
23 to the County Council within said ten days with the written objections, which objections shall be  
24 entered in full in the record of proceedings of the County Council. The County Executive may  
25 approve or disapprove the whole or any item of an ordinance or resolution appropriating money,  
26 but otherwise the approval or disapproval shall be addressed to the entire ordinance or resolution.  
27 If such measure is not returned within said ten-day period, it shall take effect in the same manner  
28 as if the County Executive had signed it.

29 When the County Executive has disapproved an ordinance or resolution, or a part or item  
30 thereof as herein provided, the County Council shall, not later than its second regular meeting  
31 thereafter, proceed to reconsider it, and if upon reconsideration the measure is approved by at  
32 least two-thirds of the members of County Council, it shall then take effect as if it had received  
33 the approval of the County Executive.

34 Each ordinance or resolution shall take effect in the manner and at the time provided by  
35 general law for ordinances or resolution of cities. Each emergency measure shall take effect,  
36 unless a later time is specified therein, upon its signature by the County Executive, or upon the  
37 expiration of the time within which it may be disapproved, or upon its passage after disapproval  
38 by the County Executive, as the case may be, shall contain a statement of the necessity for such  
39 emergency action and shall require the affirmative vote of at least two-thirds of the members of  
40 the County Council for enactment.”

41  
42 SECTION 4

43  
44 The Clerk of Council shall certify the question set forth herein to the Board of Elections  
45 of the County of Summit no later than the ninetieth day prior to the General Election of  
46 November 4, 2014.  
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2 PAGE FOUR

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4 SECTION 5

5  
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

12  
13 This Resolution is hereby declared an emergency in the interest of the health, safety, and  
14 welfare of the citizens of the County of Summit, and for the further purpose of 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

25  
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  
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33 INTRODUCED June 9, 2014

34  
35 ADOPTED June 16, 2014

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40 CLERK OF COUNCIL

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47 PRESIDENT OF COUNCIL

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49 APPROVED June 17, 2014

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June 17, 2014

EXECUTIVE ENACTED EFFECTIVE

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