



AGENDA
CUYAHOGA COUNTY COMMITTEE OF THE WHOLE MEETING
TUESDAY, AUGUST 14, 2012
CUYAHOGA COUNTY JUSTICE CENTER
COUNCIL CHAMBERS – 1ST FLOOR
1:00 PM

1. CALL TO ORDER

2. ROLL CALL

3. PUBLIC COMMENT RELATED TO THE AGENDA

4. APPROVAL OF MINUTES

- a) July 24, 2012

5. MATTERS REFERRED TO COMMITTEE

- a) R2012-0130: A Resolution providing for the submission to the electors of the County of Cuyahoga an amendment to Article 4, Section 1 and Article 5, Section 6 of the Charter of Cuyahoga County; and declaring the necessity that this Resolution become immediately effective.
- b) R2012-0131: A Resolution providing for the submission to the electors of the County of Cuyahoga an amendment to Article 2, Section 2.03 and Article 3, Section 3.09 of the Charter of Cuyahoga County; and declaring the necessity that this Resolution become immediately effective.
- c) R2012-0132: A Resolution providing for the submission to the electors of the County of Cuyahoga an amendment to Article 5, Section 1 and Article 5, Section 4 of the Charter of Cuyahoga County; and declaring the necessity that this Resolution become immediately effective.

6. MISCELLANEOUS BUSINESS

7. OTHER PUBLIC COMMENT

8. ADJOURNMENT

*In accordance with Ordinance No. O2011-0020, complimentary parking in the Huntington Park Garage will be available for the public **beginning at 4:00 p.m.** on any day when the Council or any of its committees holds evening meetings. Please see the Clerk to obtain a parking pass.



MINUTES

**CUYAHOGA COUNTY COMMITTEE OF THE WHOLE MEETING
TUESDAY, JULY 24, 2012
CUYAHOGA COUNTY JUSTICE CENTER
COUNCIL CHAMBERS – 1ST FLOOR
3:00 PM**

1. CALL TO ORDER

Due to the nature of the item referred to Committee, Council President Connally requested that Councilmember Schron preside over the meeting. Chairman Schron then called the meeting to order at 3:09 p.m.

2. ROLL CALL

Mr. Schron asked Deputy Clerk Barnhill to call the roll. Committee members Jones, Rogers, Simon, Miller, Brady, Gallagher, Schron, Conwell and Connally were in attendance and a quorum was determined. Committee member Germana entered the meeting shortly after the roll call was taken. Committee member Greenspan was absent from the meeting.

A motion was then made by Mr. Miller, seconded by Ms. Connally and approved by unanimous vote to excuse Mr. Greenspan from the meeting.

3. PUBLIC COMMENT RELATED TO THE AGENDA

No public comments were given.

4. APPROVAL OF MINUTES

a) July 10, 2012

A motion was made by Ms. Connally, seconded by Ms. Conwell and approved by unanimous vote to approve the minutes of the July 10, 2012 meeting.

5. MATTERS REFERRED TO COMMITTEE

- a) O2012-0011: An Ordinance establishing an Economic Development Fund for the purpose of collecting and expending proceeds from gross casino revenues, and declaring the necessity that this Ordinance become immediately effective.

Mr. Schron made several opening remarks and then opened the floor for discussion regarding Ordinance No. O2012-0011. Discussion ensued.

6. MISCELLANEOUS BUSINESS

There was no miscellaneous business.

7. OTHER PUBLIC COMMENT

No public comments were given.

8. ADJOURNMENT

With no further business to discuss, the meeting was adjourned by Mr. Schron at 4:42 p.m., without objection.

County Council of Cuyahoga County, Ohio

Resolution No. R2012-0130

Sponsored by: Councilmembers Simon and Miller	A Resolution providing for the submission to the electors of the County of Cuyahoga an amendment to Article 4, Section 1 and Article 5, Section 6 of the Charter of Cuyahoga County; and declaring the necessity that this Resolution become immediately effective.
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WHEREAS, Article 12, Section 10 of the Charter of Cuyahoga County provides that "Proposed amendments to this Charter shall be submitted to the electors of the County in the manner provided for by the Ohio Constitution"; and

WHEREAS, Article X, Section 4 of the Ohio Constitution provides that the "legislative authority" "of any county may by a two-thirds vote of its members" submit by resolution charter amendments to the electors of the county "to be voted upon at the first general election occurring not sooner than sixty days after their submission"; and

WHEREAS, this Council believes it is in the best interest of the citizens of the County of Cuyahoga to amend the County Charter by clarifying the role of the Law Director in advising and representing Cuyahoga County, its County Executive, County Council, departments, agencies, offices, officers, boards, and commissions in all civil matters, including all transactional and litigation matters, and the retention of outside counsel.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNTY COUNCIL OF CUYAHOGA COUNTY, OHIO:

SECTION 1. Pursuant to Article X, Section 4 of the Ohio Constitution and Article 12, Section 10 of the Charter of the County of Cuyahoga, this Council hereby authorizes and directs that there shall be submitted to a vote of qualified electors of the County of Cuyahoga, at the general election to be held on Tuesday, the 13th day of November, 2012, the question of amending Article 4, Sections 4.01 the Charter of the County of Cuyahoga, the respective text to be as set forth herein, with boldfaced and underlined text being added, and crossed out text being deleted as follows:

4.01 PROSECUTING ATTORNEY: ELECTION, DUTIES AND QUALIFICATIONS

The Prosecuting Attorney shall be elected, and the duties of that office relating to criminal matters, and the compensation therefore, including provision for the employment of outside counsel, shall continue to be determined in the manner provided by general law. The Prosecuting Attorney shall also continue to advise and represent, including representation in court litigation, the Cuyahoga County courts and judges, townships, and the following boards and commissions: the Cuyahoga

County Board of Elections; the Cuyahoga County Board of Health, the Cuyahoga County Board of Developmental Disabilities; the Cuyahoga County Alcohol, Drug Addiction and Mental Health Services Board; the Cuyahoga County Public Library Board, the Metro Health System Board of Trustees, the Cuyahoga County Veterans Service Commission, and the Cuyahoga County Soldiers and Sailors Monument Board of Trustees. The Prosecuting Attorney shall also have such other powers and duties as shall be established by ordinance that are not inconsistent with this Charter.

5.06 DIRECTOR OF LAW: POWERS, DUTIES AND QUALIFICATIONS.

~~The Director of Law shall be the legal advisor to and representative of the County Executive and County Council.~~

5.06 (1) Legal Services. Effective January 1, 2013, the Director of Law shall perform all legal services for and advise and represent Cuyahoga County, its County Executive, County Council, departments, agencies, offices, and officers in all matters, including all transactional matters and all litigation matters in court, administrative proceedings and arbitrations. The Director of Law shall also, except as enumerated in Section 4.01, advise and represent the County's boards, commissions, committees, and other county authorities, including the Economic Development Commission, Human Resource Commission, Board of Revision, Audit Committee, Solid Waste Committee, and Planning Commission, in all matters, including all transactional matters and all litigation matters in court, administrative proceedings and arbitrations.

5.06 (2) Retention of Outside Counsel. The Director of Law shall also be responsible for the selection and retention of outside counsel for all matters under his or her jurisdiction, including the advice and representation of Cuyahoga County, its County Executive, County Council, departments, agencies, offices, officers, boards, commissions, committees, and other authorities in all matters, including all transactional matters and all litigation matters in court and arbitrations.

Notwithstanding any other provision in the Charter or at general law, the retention of outside counsel shall be governed by the County's contracting procedures for professional services established by ordinance. Provided that any requisite approval by a county contracting approval authority is obtained pursuant to the County's contracting procedures established by ordinance, the Law Director shall not be required to obtain court approval for the retention of outside counsel and there shall be no monetary or other limits restricting the scope of such retention.

5.06 (3) Other Powers and Duties. The Director of Law shall also have such powers and duties as shall be established by ordinance that are not inconsistent with this Charter.

5.06 (4) Qualifications. The Director of Law shall be an attorney at law in good standing in the State of Ohio and shall have had at least five years' experience in advising or representing political subdivisions in Ohio.

SECTION 2. Pursuant to Article X, Section 4 of the Ohio Constitution, and Article 12, Section 10 of the Charter of the County of Cuyahoga, this Council hereby directs that the proposed amendment of Article 4, Sections 4.01 and Article 5, Section 5.06 shall be submitted to the Board of Elections of Cuyahoga County and the question to be submitted on the ballot shall be as follows:

PROPOSED AMENDMENT TO COUNTY CHARTER

Shall the County Charter be amended to clarify the role of the Law Director in advising and representing Cuyahoga County, its County Executive, County Council, departments, agencies, offices, officers, boards, and commissions in all civil matters, including all transactional and litigation matters, and the retention of outside counsel?

SECTION 3. If the foregoing proposal receives the affirmative vote of a majority of the electors voting thereon, the existing provisions of Article 4, Section 4.01 and Article 5, Section 5.06 which are inconsistent herewith, shall be and the same are hereby repealed effective as of the date on which such amendment becomes effective.

SECTION 4. The Clerk of this Council is directed to certify a copy of this Resolution to the Board of Elections no earlier than one hundred twenty (120) days and not later than sixty (60) days before the November 13, 2012 election. The Clerk is further directed to take all other actions required by law relative to the submission of said amendment for said election, including, if required by law, mailing or otherwise distributing a copy of said proposed amendment to each of the electors of the County as far as may be reasonably possible prior to thirty (30) days before said election.

SECTION 5. It is necessary that this Resolution become immediately effective to enable the Clerk of Council to perform her duties in time for the amendments to be properly placed on the November 13, 2012 election. Provided that this Resolution receives the affirmative vote of eight (8) members of Council, it shall become immediately effective upon the signature of the County Executive.

SECTION 6. It is found and determined that all formal actions of this Council relating to the adoption of this Resolution were adopted in an open meeting of the Council, and that all deliberations of this Council and 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.

On a motion by _____, seconded by _____, the foregoing Resolution was duly adopted.

Yeas:

Nays:

County Council President

Date

County Executive

Date

Deputy Clerk of Council

Date

First Reading/Referred to Committee: July 10, 2012

Committee Assigned: Committee of the Whole

Additional Sponsorship Requested on the Floor: July 10, 2012

Journal _____
_____, 2012

County Council of Cuyahoga County, Ohio

Resolution No. R2012-0131

Sponsored by: Councilmembers Schron and Miller	A Resolution providing for the submission to the electors of the County of Cuyahoga an amendment to Article 2, Section 2.03 and Article 3, Section 3.09 of the Charter of Cuyahoga County; and declaring the necessity that this Resolution become immediately effective.
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WHEREAS, Article 12, Section 10 of the Charter of Cuyahoga County provides that "Proposed amendments to this Charter shall be submitted to the electors of the County in the manner provided for by the Ohio Constitution"; and

WHEREAS, Article X, Section 4 of the Ohio Constitution provides that the "legislative authority" "of any county may by a two-thirds vote of its members" submit by resolution charter amendments to the electors of the county "to be voted upon at the first general election occurring not sooner than sixty days after their submission"; and

WHEREAS, this Council believes it is in the best interest of the citizens of the County of Cuyahoga to amend the County Charter to require that the County of Cuyahoga develop and implement biennial (two year) operating and capital improvements budgets.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNTY COUNCIL OF CUYAHOGA COUNTY, OHIO:

SECTION 1. Pursuant to Article X, Section 4 of the Ohio Constitution and Article 12, Section 10 of the Charter of the County of Cuyahoga, this Council hereby authorizes and directs that there shall be submitted to a vote of qualified electors of the County of Cuyahoga, at the general election to be held on Tuesday, the 13th day of November, 2012, the question of amending Article 2, Sections 2.03 and Article 3, Section 3.09 of the Charter of the County of Cuyahoga, the respective text to be as set forth herein, with boldfaced and underlined text being added, and crossed out text being deleted as follows:

2.03 Powers and Duties

(9) To submit to the Council prior to the beginning of each biennium ~~fiscal year~~, a proposed operating budget for the upcoming biennium ~~fiscal year~~, which shall contain at least the following:

- (a) A statement of estimated revenues from all sources, including fund balances from the preceding biennium year;
- (b) A statement of proposed expenditures, shown by department, office, agency, authority, board and commission, and by activity, character and object;

- (c) A schedule of estimated revenues and proposed expenditures for each County department, office, agency, authority, board and commission, on a monthly basis; and
 - (d) A summary of the contents of the proposed operating budget.
- (10) To submit to the Council prior to the beginning of each **biennium** ~~fiscal year~~ a capital improvements program, which shall contain at least the following:
- (a) The capital improvements scheduled for, or proposed to be undertaken within that **biennium** ~~fiscal year~~, along with the estimated cost of each improvement and the proposed or established method of financing;
 - (b) A summary of the detailed contents of the program for the current **biennium** ~~fiscal year~~; and
 - (c) The capital improvements projected for the five years next succeeding the current **biennium** ~~fiscal year~~.
- (11) To submit a written message to the Council accompanying the proposed operating budget and capital improvements program explaining the budget both in fiscal terms and in terms of work to be done, outlining the proposed financial policies of the County for the current **biennium** ~~fiscal year~~ and describing the important features of the budget. The message shall include any proposals for major changes in financial policies and in expenditures, appropriations and revenues as compared with the preceding **biennium** ~~fiscal year~~ and the reasons for such proposals, and an itemization and explanation of each proposed capital improvement.

3.09 Powers and Duties of the Council

- (5) To adopt and amend the County's annual tax budget, **biennial** operating budget and **biennial** capital improvements program and to make appropriations for the County. **Council shall determine by ordinance the beginning and end dates of the biennium.**

SECTION 2. Pursuant to Article X, Section 4 of the Ohio Constitution, and Article 12, Section 10 of the Charter of the County of Cuyahoga, this Council hereby directs that the proposed amendment of Article 2, Sections 2.03 and Article 3, Section 3.09 shall be submitted to the Board of Elections of Cuyahoga County and the question to be submitted on the ballot shall be as follows:

PROPOSED AMENDMENT TO COUNTY CHARTER

Shall the County Charter be amended to require that the County of Cuyahoga develop and implement biennial (two year) operating and capital improvements budgets?

Journal _____
_____, 2012

County Council of Cuyahoga County, Ohio

Resolution No. R2012-0132

Sponsored by: Council President Connally on behalf of the Cuyahoga County Court of Common Pleas	A Resolution providing for the submission to the electors of the County of Cuyahoga an amendment to Article 5, Section 1 and Article 5, Section 4 of the Charter of Cuyahoga County; and declaring the necessity that this Resolution become immediately effective.
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WHEREAS, Article 12, Section 10 of the Charter of Cuyahoga County provides that "Proposed amendments to this Charter shall be submitted to the electors of the County in the manner provided for by the Ohio Constitution"; and

WHEREAS, Article X, Section 4 of the Ohio Constitution provides that the "legislative authority" "of any county may by a two-thirds vote of its members" submit by resolution charter amendments to the electors of the county "to be voted upon at the first general election occurring not sooner than sixty days after their submission"; and

WHEREAS, this Council believes it is in the best interest of the citizens of the County of Cuyahoga to amend the County Charter to transfer the power to appoint the Clerk of Courts from the County Executive, with confirmation of County Council, to the Administrative Judges of the General and Domestic Relations Divisions of the Common Pleas Court and the Eighth District Court of Appeals, and to provide that the Clerk of Courts serves at the pleasure of the Administrative Judges.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNTY COUNCIL OF CUYAHOGA COUNTY, OHIO:

SECTION 1. Pursuant to Article X, Section 4 of the Ohio Constitution and Article 12, Section 10 of the Charter of the County of Cuyahoga, this Council hereby authorizes and directs that there shall be submitted to a vote of qualified electors of the County of Cuyahoga, at the general election to be held on Tuesday, the 13th day of November, 2012, the question of amending Article 5, Sections 5.01 and 5.04 of the Charter of the County of Cuyahoga, the respective text to be as set forth herein, with boldfaced and underlined text being added, and crossed out text being deleted as follows:

SECTION 5.01 APPOINTMENT; CONFIRMATION BY COUNCIL.

Each of the officers provided for in this Article V, **with the exception of the Clerk of Courts**, shall be appointed by the County Executive, subject to confirmation by Council, and shall serve at the pleasure of the County Executive. **The Administrative Judges of the General and Domestic Relations Divisions of the Common Pleas Court and the Eighth District Court of Appeals shall appoint the Clerk of Courts, who shall serve under the supervision of and at the pleasure of the Administrative Judges.**

SECTION 5.04 CLERK OF COURTS: POWERS AND DUTIES.

All powers and duties now or hereafter vested in or imposed by general law upon the office of clerk of the court of common pleas relating to serving the operation of the courts shall be exercised and carried out by the appointed Clerk of Courts. ~~The Clerk of Courts shall also have such powers and duties as shall be established by this Charter or by ordinance that are not inconsistent with those provided by general law for the office of clerk of the court of common pleas.~~

SECTION 2. Pursuant to Article X, Section 4 of the Ohio Constitution, and Article 12, Section 10 of the Charter of the County of Cuyahoga, this Council hereby directs that the proposed amendment of Article 5, Sections 5.01 and Article 5, Section 5.04 shall be submitted to the Board of Elections of Cuyahoga County and the question to be submitted on the ballot shall be as follows:

PROPOSED AMENDMENT TO COUNTY CHARTER

Shall the County Charter be amended to transfer the power to appoint the Clerk of Courts from the County Executive, with confirmation of County Council, to the Administrative Judges of the General and Domestic Relations Divisions of the Common Pleas Court and the Eighth District Court of Appeals, and to provide that the Clerk of Courts serves at the pleasure of the Administrative Judges?

SECTION 3. If the foregoing proposal receives the affirmative vote of a majority of the electors voting thereon, the existing provisions of Article 5, Section 5.01 and Article 5, Section 5.04 which are inconsistent herewith, shall be and the same are hereby repealed effective as of the date on which such amendment becomes effective.

SECTION 4. The Clerk of this Council is directed to certify a copy of this Resolution to the Board of Elections no earlier than one hundred twenty (120) days and not later than sixty (60) days before the November 13, 2012 election. The Clerk is further directed to take all other actions required by law relative to the submission of said amendment for said election, including, if required by law, mailing or otherwise distributing a copy of said proposed amendment to each of the electors of the County as far as may be reasonably possible prior to thirty (30) days before said election.

SECTION 5. It is necessary that this Resolution become immediately effective to enable the Clerk of Council to perform her duties in time for the amendments to be properly placed on the November 13, 2012 election. Provided that this Resolution receives the affirmative vote of eight (8) members of Council, it shall become immediately effective upon the signature of the County Executive.

SECTION 6. It is found and determined that all formal actions of this Council relating to the adoption of this Resolution were adopted in an open meeting of the Council, and that all deliberations of this Council and 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.

