



AGENDA
CUYAHOGA COUNTY COMMITTEE OF THE WHOLE MEETING
THURSDAY, JULY 17, 2014
CUYAHOGA COUNTY JUSTICE CENTER
COUNCIL CHAMBERS – 1ST FLOOR
1:00 PM

- 1. CALL TO ORDER**
- 2. ROLL CALL**
- 3. PUBLIC COMMENT RELATED TO AGENDA**
- 4. ITEMS REFERRED TO COMMITTEE**

- a) R2013-0170: A Resolution making an award on RQ24534 to Halle Industrial Park, LLC in the amount of \$10,069,265.64 for lease of space for the period anticipated to be 6/1/2014 - 6/30/2024; authorizing the County Executive to take all necessary actions and to execute all documents necessary to consummate the contemplated transactions, and authorizing the Director of Public Works to administer the project; and declaring the necessity that this Resolution become immediately effective. (See Page 4)

Sponsor: County Executive FitzGerald/Department of Public Works

- b) R2014-0141: A Resolution providing for the submission to the electors of the County of Cuyahoga an amendment to add Article XIV to the Cuyahoga County Charter to provide that the right to vote is a fundamental right in the County and authorize the County to take action to protect and promote the right to vote, and declaring the necessity that this Resolution become immediately effective. (See Page 8)

Sponsors: County Executive FitzGerald and Councilmember Simon

- c) R2014-0160: A Resolution providing for the submission to the electors of the County of Cuyahoga an amendment to Article II, Section 2.01 and Article III, Section 3.03 of the Charter of Cuyahoga County modifying the residency requirements for the offices of County Executive and County Council; and declaring the necessity that this Resolution become immediately effective. (See Page 11)

Sponsors: Councilmembers Miller, Conwell, Germana and Gallagher

- d) R2014-0161: A Resolution providing for the submission to the electors of the County of Cuyahoga an amendment to Article V, Section 5.01 Appointment and Confirmation of Officers and Section 5.08 Sheriff: Powers, Duties, and Qualifications establishing the term of appointment and process for removal of the Sheriff; and declaring the necessity that this Resolution become immediately effective. (See Page 17)

Sponsor: Councilmember Greenspan

- e) R2014-0162: A Resolution providing for the submission to the electors of the County of Cuyahoga an amendment to Article XII, Section 12.09 of the Charter of Cuyahoga County accelerating the timeline for the appointment process and commencement of the term of the Charter Review Commission for the year in which the appointment is made; and declaring the necessity that this Resolution become immediately effective. (See Page 26)

Sponsors: Councilmembers Miller, Conwell, Germana and Connally

- f) R2014-0163: A Resolution providing for the submission to the electors of the County of Cuyahoga an amendment enacting Article XIV of the Charter of Cuyahoga County establishing the Agency of Inspector General in the Charter; and declaring the necessity that this Resolution become immediately effective. (See Page 29)

Sponsors: Councilmembers Greenspan and Miller

- g) R2014-0164: A Resolution providing for the submission to the electors of the County of Cuyahoga an amendment adding Article VI, Section 6.03 of the Charter of Cuyahoga County establishing the Investment Advisory Committee in the Charter; and declaring the necessity that this Resolution become immediately effective. (See Page 35)

Sponsor: Councilmember Greenspan

- h) R2014-0165: A Resolution providing for the submission to the electors of the County of Cuyahoga an amendment to Article VI, Sections 6.01 and 6.02 and Article XI, Section 11.01 of the Charter of Cuyahoga County changing the composition of various County Boards and Commissions to ensure independence of judgment of all members; and declaring the necessity that this Resolution become immediately effective. (See Page 41)

Sponsor: Councilmember Greenspan

- i) R2014-0166: A Resolution providing for the submission to the electors of the County of Cuyahoga an amendment to Article III, Sections 3.05 and 3.06; enacting Article XIV, Section 14.01 of the Charter of Cuyahoga County to remove party affiliation from elected County offices; and declaring the necessity that this Resolution become immediately effective. (See Page 49)

Sponsor: Councilmember Schron

- 5. MISCELLANEOUS BUSINESS**
- 6. PUBLIC COMMENT UNRELATED TO AGENDA**
- 7. ADJOURNMENT**

*In accordance with Section 108.01 of the Cuyahoga County Code, complimentary parking in the Huntington Park Garage will be available for the public on any day when the Council or any of its committees holds meetings. Please see the Clerk to obtain a parking pass.

County Council of Cuyahoga County, Ohio

Resolution No. R2013-0170

<p>Sponsored by: County Executive FitzGerald/Department of Public Works</p>	<p>A Resolution making an award on RQ24534 to Halle Industrial Park, LLC in the amount of \$10,069,265.64 for lease of space for the period anticipated to be 6/1/2014 - 6/30/2024; authorizing the County Executive to take all necessary actions and to execute all documents necessary to consummate the contemplated transactions, and authorizing the Director of Public Works to administer the project; and declaring the necessity that this Resolution become immediately effective.</p>
--	--

WHEREAS, Cuyahoga County engaged the services of Allegro Realty Advisors (“Allegro”) to conduct an audit of the County’s real-estate needs and come forth with a set of recommendations for the County; and

WHEREAS, Allegro recommended that the County place 13 properties currently owned by the County for sale, including County Archives Building on 2843 and 2905 Franklin Avenue in Cleveland, Ohio, and the consolidation of the county’s storage facilities; and

WHEREAS, the County engaged the services of CBRE, Inc. (“CBRE”), a commercial real estate services firm, to serve as the real estate portfolio program manager, provide brokerage services, and represent the County in connection with the real estate portfolio program; and,

WHEREAS, CBRE worked with the County to prepare and issue a request for proposals, RFP # 24534, (the “RFP”) for the real property consolidation project in accordance with the County’s Contracting and Purchasing Procedures Ordinance; and,

WHEREAS, Halle Industrial Park, LLC proposed leasing approximately 207,710 square feet to the County in the Halle Warehouse at 1890 E. 40th Street, Cleveland, Ohio, where the County currently leases a smaller amount of space; and

WHEREAS, the property is proposed to be leased for various County functions, including Archives, Board of Elections and Children and Family Services; and

WHEREAS, the proposed lease is for an initial term of 10 years and 1 month, with two five-year renewal options; and

WHEREAS, rent of the leased property begins at \$4.76 per square foot (\$988,440.36 annually) and escalates through the Initial Term to \$4.99 per square foot (\$1,036,213.68 annually), subject to annual appropriations; and

WHEREAS, the proposed lease contains options to expand into additional space currently occupied by another tenant, rights to contract the size of the County's Premises, a right of first refusal and an option to purchase the Building at fair market value and an option to purchase the Building at the end of the term (including renewals) for \$1.00; and

WHEREAS, the Landlord is obligated to perform substantial renovations to the Building and is providing an additional Tenant Improvement Allowance for the County's build-out in the amount of \$2,147,500.00; and

WHEREAS, the County Council has determined that it is in the County's interest to award the proposed lease to Halle Industrial Park, LLC and to enter into a Lease with Halle Industrial Park, LLC for same; and

WHEREAS, it is necessary that this Resolution become immediately effective in order that critical services provided by Cuyahoga County can continue and to provide for the usual, daily operation of a County entity.

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

SECTION 1. That the Cuyahoga County Council hereby awards Initiative II of the RFP for a consolidated storage facility to Halle Industrial Park, LLC and authorizes the County Executive to enter into the proposed Lease with Halle Industrial Park, LLC.

SECTION 2. That the County Executive or his authorized designee is authorized to (a) take all actions, and to execute, acknowledge, deliver and/or file for record (as and where appropriate) (i) all documents and instruments necessary or desirable to facilitate and/or consummate the transactions contemplated hereby, including, but not limited to, a lease agreement and all documents to be executed by the County thereunder, and all financing-related documents (including but not limited to subordination, non-disturbance and attornment agreements, pledges, and security agreements), (ii) all other and further documents, instruments, certificates, agreements, amendments, assignments, subleases, consents, affidavits, certifications, disbursement authorizations, settlement statements, closing statements, proration statements, escrow agreements, escrow instructions, and notices, and (iii) amendments, modifications and supplements to any of the foregoing, that the County Executive may deem necessary or advisable in connection with the consummation of

the transactions contemplated hereby, in all cases containing such terms and conditions as may be approved by the County's Director of Law, (b) agree to such payments, prorations, credits, deposits, holdbacks, escrows and other arrangements as may be necessary or advisable in connection therewith to facilitate and/or consummate such transactions, and (c) prosecute and/or defend any actions or proceedings that may be necessary or advisable relative to any of the foregoing matters.

SECTION 3. That the Director of Public Works is authorized to administer the project through its milestones and be responsible for any ongoing approval rights under the Lease.

SECTION 4. That all documents to be executed in connection with the transactions contemplated herein be subject to the Law Director's approval as to legal form and correctness.

SECTION 5. It is necessary that this Resolution become immediately effective for the usual daily operation of the County, the preservation of public peace, health, or safety in the County, and any additional reasons set forth in the preamble. Provided that this Ordinance receives the affirmative vote of at least eight members of Council, it shall take effect and be in force immediately upon the earliest occurrence of any of the following: (1) its approval by the County Executive through signature, (2) the expiration of the time during which it may be disapproved by the County Executive under Section 3.10(6) of the Cuyahoga County Charter, or (3) its passage by at least eight members of Council after disapproval pursuant to Section 3.10(7) of the Cuyahoga County Charter. Otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

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 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.

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

Yeas:

Nays:

County Council President

Date

County Executive

Date

Clerk of Council

Date

First Reading/Referred to Committee: July 23, 2013
Committee(s) Assigned: Committee of the Whole

Committee Report/Second Reading/Referred to Committee: October 22, 2013
Committee(s) Assigned: Committee of the Whole

Journal _____
_____, 20__

County Council of Cuyahoga County, Ohio

Resolution No. R2014-0141

Sponsored by: County Executive FitzGerald and Councilmember Simon	A Resolution providing for the submission to the electors of the County of Cuyahoga an amendment to add Article XIV to the Cuyahoga County Charter to provide that the right to vote is a fundamental right in the County and authorize the County to take action to protect and promote the right to vote, and declaring the necessity that this Resolution become immediately effective.
--	---

WHEREAS, Article XII, Section 12.10 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 extend the term during which Council may act on Executive appointments, and add an interim appointment provision.

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 XII, Section 12.10 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 4th day of November, 2014, the question of amending the Charter, to add Article XIV, as follows:

ARTICLE XIV—CITIZENS’ VOTING RIGHTS

SECTION 14.01 FUNDAMENTAL RIGHT

The right to vote shall be a fundamental right in Cuyahoga County, and elections in the County shall be free and open.

SECTION 14.02 VOTING PROTECTION AND PROMOTION.

The County shall have the power to enforce the provisions of this Article, including, but not limited to, the institution of legal action through the Law Department to protect the right to vote and access to the ballot and to undertake measures to promote voter registration and participation, including, but not limited, promotion of early voting by the County’s citizens.

SECTION 2. Pursuant to Article X, Section 4 of the Ohio Constitution, and Article XII, Section 12.10 of the Charter of the County of Cuyahoga, this Council hereby directs that the proposed amendment to add Article XIV to the Charter 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 Cuyahoga County Charter be amended to add Article XIV, which provides that the right to vote shall be a fundamental right in the County and that elections in the County shall be free and open and authorizes the County to undertake measures to enforce the article and to promote voter registration and participation, including early voting initiatives?

SECTION 3. 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 4, 2014 general 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 4. It is necessary that this Resolution become immediately effective to enable the Clerk of Council to perform her duties in time for the amendment to be properly placed on the November 4, 2014 election. Provided that this Resolution receives the affirmative vote of eight (8) members of Council, it shall become immediately effective.

County Council of Cuyahoga County, Ohio

Resolution No. R2014-0160

Sponsored by: Councilmembers Miller, Conwell, Germana and Gallagher	A Resolution providing for the submission to the electors of the County of Cuyahoga an amendment to Article II, Section 2.01 and Article III, Section 3.03 of the Charter of Cuyahoga County modifying the residency requirements for the offices of County Executive and County Council; and declaring the necessity that this Resolution become immediately effective.
--	---

WHEREAS, Article XII, Section 12.10 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 the County Executive to have been an elector of the County for at least two years prior to filing a declaration of candidacy, and to prevent a Council member from being disqualified due to redistricting from serving the full term to which the member was elected.

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 XII, Section 12.10 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 4th day of November, 2014, the question of amending Article II, Section 2.01 and Article III, Section 3.03 of the Charter of the County of Cuyahoga, the respective text to be as set forth herein, with boldfaced text being added and crossed out text being deleted as follows:

SECTION 2.01 COUNTY EXECUTIVE

The County Executive shall be the chief executive officer of the County. The County Executive shall first be elected at the 2010 general election and shall hold office for a term of four years commencing on the first day of January 2011. Any candidate for election as County Executive shall be **have been** an elector of the County **for** at **least two**

years immediately prior to the time of filing the declaration of candidacy, shall be nominated and elected in the manner provided for county officers by general law and this Charter and during the entire term of office shall remain an elector of the County. The County Executive shall not, except as authorized by the Council, hold or accept other employment or public office.

SECTION 3.03 RESIDENCY REQUIREMENT

A Council candidate shall have been an elector of the County for at least two years immediately prior to filing of a declaration of candidacy or appointment to fill a vacancy and shall also have been a resident of the district he or she wishes to serve for at least thirty days immediately prior to filing of candidacy or appointment to fill a vacancy. Once elected or appointed, Council members shall reside within their respective districts during the tenure of their terms; however, a Council member shall not be disqualified from serving the full term to which the member has been elected due to redistricting. ~~the County, and members elected from districts shall reside within their respective districts, during the tenure of their terms.~~

SECTION 2. Pursuant to Article X, Section 4 of the Ohio Constitution, and Article XII, Section 12.10 of the Charter of the County of Cuyahoga, this Council hereby directs that the proposed amendment amending Article II, Section 2.01 and Article III, Section 3.03 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 Article II, Section 2.01 and Article III, Section 3.03 the Charter of the County of Cuyahoga be amended to modify the residency requirements for the offices of County Executive and County Council, requiring the County Executive to have been an elector of the County for at least two years prior to filing a declaration of candidacy, and preventing a Council member from being disqualified due to redistricting from serving the full term to which the member was elected?

SECTION 3. If the foregoing proposal receives the affirmative vote of a majority of the electors voting thereon, the existing provisions of Article II, Section 2.01 and Article III, Section 3.03 to the extent that they 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 4, 2014 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.

**[PROPOSED SUBSTITUTE SPONSORED BY
COUNCILMEMBER SCHRON]**

County Council of Cuyahoga County, Ohio

Resolution No. R2014-0160

Sponsored by: Councilmembers Miller, Conwell, Germana and Gallagher	A Resolution providing for the submission to the electors of the County of Cuyahoga an amendment to Article II, Section 2.01 and Article III, Section 3.03 of the Charter of Cuyahoga County modifying the residency requirements for the offices of County Executive and County Council; and declaring the necessity that this Resolution become immediately effective.
--	---

WHEREAS, Article XII, Section 12.10 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 candidates for the office of County Executive and County Council to have been an elector of the County for at least one year prior to filing a declaration of candidacy, and to prevent a Council member from being disqualified due to redistricting from serving the full term to which the member was elected.

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 XII, Section 12.10 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 4th day of November, 2014, the question of amending Article II, Section 2.01 and Article III, Section 3.03 of the Charter of the County of Cuyahoga, the respective text to be as set forth herein, with boldfaced text being added and crossed out text being deleted as follows:

SECTION 2.01 COUNTY EXECUTIVE

The County Executive shall be the chief executive officer of the County. The County Executive shall first be elected at the 2010 general election and shall hold office for a term of four years commencing on the first day of January 2011. Any candidate for election as County Executive shall ~~be~~ **have been** an elector of the County **for** at **least one year immediately prior to** ~~the time of~~ filing the declaration of candidacy, shall be nominated and elected in the manner provided for county officers by general law and this Charter and during the entire term of office shall remain an elector of the County. The County Executive shall not, except as authorized by the Council, hold or accept other employment or public office.

SECTION 3.03 RESIDENCY REQUIREMENT

A Council candidate shall have been an elector of the County for at least ~~two years~~ **one year** immediately prior to filing of a declaration of candidacy or appointment to fill a vacancy and shall also have been a resident of the district he or she wishes to serve for at least thirty days immediately prior to filing of candidacy or appointment to fill a vacancy. Once elected or appointed, Council members shall reside within **their respective districts during the tenure of their terms; however, a Council member shall not be disqualified from serving the full term to which the member has been elected due to redistricting.** ~~the County, and members elected from districts shall reside within their respective districts, during the tenure of their terms.~~

SECTION 2. Pursuant to Article X, Section 4 of the Ohio Constitution, and Article XII, Section 12.10 of the Charter of the County of Cuyahoga, this Council hereby directs that the proposed amendment amending Article II, Section 2.01 and Article III, Section 3.03 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 Article II, Section 2.01 and Article III, Section 3.03 the Charter of the County of Cuyahoga be amended to modify the residency requirements for the offices of County Executive and County Council, requiring candidates for the office of County Executive and County Council to have been an elector of the County for at least one year prior to filing a declaration of candidacy, and preventing a Council member from being disqualified due to redistricting from serving the full term to which the member was elected?

SECTION 3. If the foregoing proposal receives the affirmative vote of a majority of the electors voting thereon, the existing provisions of Article II, Section 2.01 and Article III, Section 3.03 to the extent that they 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

County Council of Cuyahoga County, Ohio

Resolution No. R2014-0161

Sponsored by: Councilmember Greenspan	A Resolution providing for the submission to the electors of the County of Cuyahoga an amendment to Article V, Section 5.01 Appointment and Confirmation of Officers and Section 5.08 Sheriff: Powers, Duties, and Qualifications establishing the term of appointment and process for removal of the Sheriff; and declaring the necessity that this Resolution become immediately effective.
--	--

WHEREAS, Article XII, Section 12.10 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 establish the term of appointment and process for removal of the Sheriff.

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 XII, Section 12.10 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 4th day of November, 2014, the question of amending Article V, Section 5.01 and 5.08 of the Charter of the County of Cuyahoga, the respective text to be as set forth herein, with boldfaced 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 shall be appointed by the County Executive subject to confirmation by Council, and shall serve at the pleasure of the County Executive **unless otherwise specified herein.**

SECTION 5.08 SHERIFF: POWERS, DUTIES AND QUALIFICATIONS.

(1) Powers and Duties. All powers and duties now or hereafter vested in or imposed upon county sheriffs by general law shall be carried out by the appointed Sheriff.

(2) Qualifications. The Sheriff shall possess and continue to maintain the qualifications provided by general law for the office of county sheriff and in addition shall have had at least five years' experience in law enforcement or in correctional facilities management.

(3) Term. The Sheriff shall be appointed for term of four years. The term of the incumbent Sheriff shall expire on December 31, 2015. Each subsequent Sheriff shall be appointed or reappointed for a term commencing on January 1, 2016 and every four years thereafter. Reappointments shall be subject to Council confirmation.

(4) Removal. The Sheriff may only be removed from office by the County Executive prior to the expiration of the Sheriff's term subject to the approval of at least eight members of the Council.

(5) Vacancy. In the event of a vacancy prior to the expiration of the Sheriff's term, the County Executive shall appoint a Sheriff to complete the unexpired term, subject to confirmation by Council. In the event a vacancy occurs less than two years prior to the expiration of a four-year term, the County Executive may appoint a Sheriff to complete the unexpired term and serve a subsequent four-year term subject to confirmation by Council.

SECTION 2. Pursuant to Article X, Section 4 of the Ohio Constitution, and Article XII, Section 12.10 of the Charter of the County of Cuyahoga, this Council hereby directs that the proposed amendment of Article V, Sections 5.01 and 5.08 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 Article V, Section 5.01 Appointment; Confirmation by Council and Section 5.08 Sheriff: Powers, Duties and Qualifications of the Charter of Cuyahoga County be amended to establish a term of appointment and process for removal of the Sheriff?

SECTION 3. If the foregoing proposal receives the affirmative vote of a majority of the electors voting thereon, the existing provisions of Article V, Sections 5.01 and 5.08 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 4, 2014 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 4, 2014 election. Provided that this Resolution

receives the affirmative vote of eight (8) members of Council, it shall become immediately effective.

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

Clerk of Council

Date

First Reading/Referred to Committee: June 24, 2014

Committee(s) Assigned: Committee of the Whole

Journal _____
_____, 2014

**[PROPOSED SUBSTITUTE SPONSORED BY
COUNCILMEMBER GREENSPAN]**

County Council of Cuyahoga County, Ohio

Resolution No. R2014-0161

Sponsored by: Councilmember Greenspan	A Resolution providing for the submission to the electors of the County of Cuyahoga an amendment to Article V, Section 5.01 Appointment and Confirmation of Officers and Section 5.08 Sheriff: Powers, Duties, and Qualifications establishing the term of appointment and process for removal of the Sheriff; and declaring the necessity that this Resolution become immediately effective.
--	--

WHEREAS, Article XII, Section 12.10 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 establish the term of appointment and process for removal of the Sheriff.

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 XII, Section 12.10 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 4th day of November, 2014, the question of amending Article V, Section 5.01 and 5.08 of the Charter of the County of Cuyahoga, the respective text to be as set forth herein, with boldfaced 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 shall be appointed by the County Executive subject to confirmation by Council, and shall serve at the pleasure of the County Executive **unless otherwise specified herein.**

SECTION 5.08 SHERIFF: POWERS, DUTIES AND QUALIFICATIONS.

(1) Powers and Duties. All powers and duties now or hereafter vested in or imposed upon county sheriffs by general law shall be carried out by the appointed Sheriff. **The Sheriff shall also have such powers and duties as shall be established by ordinance that are not inconsistent with those provided by general law. The Sheriff shall serve at the direction of the County Executive.**

(2) Qualifications. The Sheriff shall possess and continue to maintain the qualifications provided by general law for the office of county sheriff and in addition shall have had at least five years' experience in law enforcement or in correctional facilities management.

(3) Term. **The Sheriff shall be appointed for term of six years. The term of the incumbent Sheriff shall expire on December 31, 2015. Each subsequent Sheriff shall be appointed or reappointed for a term commencing on January 1, 2016 and every six years thereafter. Reappointments shall be subject to Council confirmation.**

(4) Removal. **The Sheriff may only be removed from office by the County Executive prior to the expiration of the Sheriff's term subject to the approval of at least eight members of the Council.**

(5) Vacancy. **In the event of a vacancy prior to the expiration of the Sheriff's term, the County Executive shall appoint a Sheriff to complete the unexpired term, subject to confirmation by Council. In the event a vacancy occurs less than two years prior to the expiration of a six-year term, the County Executive may appoint a Sheriff to complete the unexpired term and serve a subsequent six-year term subject to confirmation by Council.**

SECTION 2. Pursuant to Article X, Section 4 of the Ohio Constitution, and Article XII, Section 12.10 of the Charter of the County of Cuyahoga, this Council hereby directs that the proposed amendment of Article V, Sections 5.01 and 5.08 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 Article V, Section 5.01 Appointment; Confirmation by Council and Section 5.08 Sheriff: Powers, Duties and Qualifications of the Charter of Cuyahoga County be amended to establish a term of appointment and process for removal of the Sheriff?

SECTION 3. If the foregoing proposal receives the affirmative vote of a majority of the electors voting thereon, the existing provisions of Article V, Sections 5.01 and 5.08 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 4, 2014 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 4, 2014 election. Provided that this Resolution receives the affirmative vote of eight (8) members of Council, it shall become immediately effective.

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

Clerk of Council

Date

First Reading/Referred to Committee: June 24, 2014

Committee(s) Assigned: Committee of the Whole

Journal _____
_____, 2014

**[PROPOSED SUBSTITUTE SPONSORED BY
COUNCILMEMBER SIMON]**

County Council of Cuyahoga County, Ohio

Resolution No. R2014-0161

Sponsored by: Councilmember Greenspan	A Resolution providing for the submission to the electors of the County of Cuyahoga an amendment to Article V, Section 5.01 Appointment and Confirmation of Officers and Section 5.08 Sheriff: Powers, Duties, and Qualifications establishing the term of appointment and process for removal of the Sheriff; and declaring the necessity that this Resolution become immediately effective.
--	--

WHEREAS, Article XII, Section 12.10 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 establish the term of appointment and process for removal of the Sheriff.

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 XII, Section 12.10 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 4th day of November, 2014, the question of amending Article V, Section 5.01 and 5.08 of the Charter of the County of Cuyahoga, the respective text to be as set forth herein, with boldfaced 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 shall be appointed by the County Executive subject to confirmation by Council, and shall serve at the pleasure of the County Executive **unless otherwise specified herein.**

SECTION 5.08 SHERIFF: POWERS, DUTIES AND QUALIFICATIONS.

(1) Powers and Duties. All powers and duties now or hereafter vested in or imposed upon county sheriffs by general law shall be carried out by the appointed Sheriff.

(2) Qualifications. The Sheriff shall possess and continue to maintain the qualifications provided by general law for the office of county sheriff and in addition shall have had at least five years' experience in law enforcement or in correctional facilities management.

(3) Term. The Sheriff shall be appointed for term of four years. The term of the incumbent Sheriff shall expire on December 31, 2015. Each subsequent Sheriff shall be appointed or reappointed for a term commencing on January 1, 2016 and every four years thereafter. Reappointments shall be subject to Council confirmation.

(4) Removal. The Sheriff may only be removed from office by the County Executive prior to the expiration of the Sheriff's term subject to the approval of at least six members of the Council.

(5) Vacancy. In the event of a vacancy prior to the expiration of the Sheriff's term, the County Executive shall appoint a Sheriff to complete the unexpired term, subject to confirmation by Council. In the event a vacancy occurs less than two years prior to the expiration of a four-year term, the County Executive may appoint a Sheriff to complete the unexpired term and serve a subsequent four-year term subject to confirmation by Council.

SECTION 2. Pursuant to Article X, Section 4 of the Ohio Constitution, and Article XII, Section 12.10 of the Charter of the County of Cuyahoga, this Council hereby directs that the proposed amendment of Article V, Sections 5.01 and 5.08 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 Article V, Section 5.01 Appointment; Confirmation by Council and Section 5.08 Sheriff: Powers, Duties and Qualifications of the Charter of Cuyahoga County be amended to establish a term of appointment and process for removal of the Sheriff?

SECTION 3. If the foregoing proposal receives the affirmative vote of a majority of the electors voting thereon, the existing provisions of Article V, Sections 5.01 and 5.08 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 4, 2014 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

County Council of Cuyahoga County, Ohio

Resolution No. R2014-0162

Sponsored by: Councilmembers Miller, Conwell, Germana and Connally	A Resolution providing for the submission to the electors of the County of Cuyahoga an amendment to Article XII, Section 12.09 of the Charter of Cuyahoga County accelerating the timeline for the appointment process and commencement of the term of the Charter Review Commission for the year in which the appointment is made; and declaring the necessity that this Resolution become immediately effective.
---	---

WHEREAS, Article XII, Section 12.10 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 accelerate the timeline for the appointment process and the term of the Charter Review Commission, requiring the appointment be made before the first day of June and the term commence on the first day of September in the year in which the appointment is made.

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 XII, Section 12.10 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 4th day of November, 2014, the question of amending Article XII, Section 12.09 of the Charter of the County of Cuyahoga, the respective text to be as set forth herein, with boldfaced text being added and crossed out text being deleted as follows:

SECTION 12.09 CHARTER REVIEW COMMISSION.

Following the appointment of the initial Charter Review Commission in 2012, commencing ~~in September 2012,~~ in September 2017, and at intervals of ten years thereafter, the County Executive, ~~with the confirmation of the Council,~~ shall **before the first day of June** appoint a Charter Review Commission. **Charter Review Commission**

appointments shall be subject to Council confirmation. The Charter Review Commission shall consist ~~consisting~~ of nine electors of the County, no more than five of whom may be of the same political party, and no more than two of whom may be an officer or employee of the County. Appointment to the Charter Review Commission shall be for a term of one year **commencing on the first day of September in the year in which the appointment is made.** Members of the Charter Review Commission shall serve without pay and shall serve on no more than three consecutive Charter Review Commissions, unless such service is within a ten-year period. The Council shall establish rules and procedures for the operation of the Charter Review Commission and the County Executive shall provide the Commission necessary staff services.

The initial Charter Review Commission shall include in its deliberations consideration of changes in this Charter for the purpose of providing more effective representation of indigent defendants, for adequate funding and support for the operation of the office of the County public defender, and for the appropriate method for selection of the County public defender.

The Charter Review Commission may propose to the Council such amendments to this Charter as it shall deem appropriate. The final report of each Charter Review Commission, which shall include all proposed charter amendments and a summary of the Commission's activities, shall be transmitted to the Council for consideration by the first day of July following the formation of the Charter Review Commission. The Council shall vote within sixty days after the proposals are received on whether or not to submit the proposals to the electors at the next general election held more than sixty days after its vote on the proposed amendments.

SECTION 2. Pursuant to Article X, Section 4 of the Ohio Constitution, and Article XII, Section 12.10 of the Charter of the County of Cuyahoga, this Council hereby directs that the proposed amendment to Article XII, Section 12.09 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 Article XII, Section 12.09 of the Charter of the County of Cuyahoga be amended to require that the County Executive, before the first day of June, appoint a Charter Review Commission subject to the confirmation of Council and to require the Commission's term commence on the first day of September in the year in which the appointment is made?

SECTION 3. If the foregoing proposal receives the affirmative vote of a majority of the electors voting thereon, the existing provisions of Article XII, Section 12.09 to the extent that they 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 4, 2014 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 amendment to be properly placed on the November 4, 2014 election. Provided that this Resolution receives the affirmative vote of eight (8) members of Council, it shall become immediately effective.

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

Clerk of Council

Date

First Reading/Referred to Committee: June 24, 2014

Committee(s) Assigned: Committee of the Whole

Journal _____
_____, 2014

County Council of Cuyahoga County, Ohio

Resolution No. R2014-0163

<p>Sponsored by: Councilmember Greenspan</p> <p>Co-sponsored by: Councilmembers Miller and Germana</p>	<p>A Resolution providing for the submission to the electors of the County of Cuyahoga an amendment enacting Article XIV of the Charter of Cuyahoga County establishing the Agency of Inspector General in the Charter; and declaring the necessity that this Resolution become immediately effective.</p>
--	---

WHEREAS, Article XII, Section 12.10 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 insure the continuation of the Inspector General’s Office by establishing the Agency of the Inspector General in the Charter.

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 XII, Section 12.10 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 4th day of November, 2014, the question of enacting Article XIV of the Charter of the County of Cuyahoga, the respective text to be as set forth herein, with boldfaced text being added and crossed out text being deleted as follows:

SECTION 14.01 AGENCY OF INSPECTOR GENERAL.

(1) Powers and Duties. The Inspector General shall serve as the County’s chief ethics officer and shall direct the Agency of Inspector General. The County Council shall establish, by ordinance, the powers and duties of the Agency of Inspector General and shall appropriate funding for the Agency’s operation.

(2) Qualifications. The Inspector General shall have at least ten years’ experience as an inspector general, certified public accountant, internal auditor, licensed attorney, law enforcement officer, or other investigative office involving supervisory and managerial experience.

(2) Appointment and Term. The Inspector General shall be appointed by the County Executive, subject to confirmation by Council, for a term of four years. The term of the incumbent Inspector General shall expire on December 31, 2015. Each subsequent Inspector General shall be appointed or reappointed for a term commencing on January 1, 2016 and every four years thereafter. Reappointments shall be subject to Council confirmation.

(3) Removal. The Inspector General may only be removed from office by resolution receiving the affirmative vote of at least eight members of the Council.

(4) Vacancy. In the event of a vacancy prior to the expiration of the Inspector General's term, the County Executive shall appoint a successor to complete the unexpired term subject to confirmation by Council. In the event a vacancy occurs less than two years prior to the expiration of the Inspector General's four-year term, the County Executive may appoint an Inspector General to complete the unexpired term and serve a subsequent four-year term subject to confirmation by Council.

SECTION 2. Pursuant to Article X, Section 4 of the Ohio Constitution, and Article XII, Section 12.10 of the Charter of the County of Cuyahoga, this Council hereby directs that the proposed amendment enacting Article XIV 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 Article XIV, Section 14.01 Agency of Inspector General of the Charter of the County of Cuyahoga be added to establish the Agency of Inspector General in the Charter?

SECTION 3. 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 4, 2014 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 4. 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 4, 2014 election. Provided that this Resolution receives the affirmative vote of eight (8) members of Council, it shall become immediately effective.

SECTION 5. 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

Clerk of Council

Date

First Reading/Referred to Committee: June 24, 2014

Committee(s) Assigned: Committee of the Whole

Additional Sponsorship Requested: July 7, 2014

Journal _____
_____, 2014

**[PROPOSED SUBSTITUTE SPONSORED BY
COUNCILMEMBER SIMON]**

County Council of Cuyahoga County, Ohio

Resolution No. R2014-0163

Sponsored by: Councilmember Greenspan Co-sponsored by: Councilmembers Miller and Germana	A Resolution providing for the submission to the electors of the County of Cuyahoga an amendment enacting Article XIV of the Charter of Cuyahoga County establishing the Agency of Inspector General in the Charter; and declaring the necessity that this Resolution become immediately effective.
---	--

WHEREAS, Article XII, Section 12.10 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 insure the continuation of the Inspector General’s Office by establishing the Agency of the Inspector General in the Charter.

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 XII, Section 12.10 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 4th day of November, 2014, the question of enacting Article XIV of the Charter of the County of Cuyahoga, the respective text to be as set forth herein, with boldfaced text being added and crossed out text being deleted as follows:

SECTION 14.01 AGENCY OF INSPECTOR GENERAL.

(1) Powers and Duties. The Inspector General shall serve as the County’s chief ethics officer and shall direct the Agency of Inspector General. The County Council shall establish, by ordinance, the powers and duties of the Agency of Inspector General and shall appropriate funding for the Agency’s operation.

(2) Qualifications. The Inspector General shall have at least ten years' experience as an inspector general, certified public accountant, internal auditor, licensed attorney, law enforcement officer, or other investigative office involving supervisory and managerial experience.

(2) Appointment and Term. The Inspector General shall be appointed by the County Executive, subject to confirmation by Council, for a term of four years. The term of the incumbent Inspector General shall expire on December 31, 2015. Each subsequent Inspector General shall be appointed or reappointed for a term commencing on January 1, 2016 and every four years thereafter. Reappointments shall be subject to Council confirmation.

(3) Removal. The Inspector General may only be removed from office by resolution receiving the affirmative vote of at least six members of the Council.

(4) Vacancy. In the event of a vacancy prior to the expiration of the Inspector General's term, the County Executive shall appoint a successor to complete the unexpired term subject to confirmation by Council. In the event a vacancy occurs less than two years prior to the expiration of the Inspector General's four-year term, the County Executive may appoint an Inspector General to complete the unexpired term and serve a subsequent four-year term subject to confirmation by Council.

SECTION 2. Pursuant to Article X, Section 4 of the Ohio Constitution, and Article XII, Section 12.10 of the Charter of the County of Cuyahoga, this Council hereby directs that the proposed amendment enacting Article XIV 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 Article XIV, Section 14.01 Agency of Inspector General of the Charter of the County of Cuyahoga be added to establish the Agency of Inspector General in the Charter?

SECTION 3. 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 4, 2014 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 4. 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 4, 2014 election. Provided that this Resolution receives the affirmative vote of eight (8) members of Council, it shall become immediately effective.

SECTION 5. 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

Clerk of Council

Date

First Reading/Referred to Committee: June 24, 2014

Committee(s) Assigned: Committee of the Whole

Additional Sponsorship Requested: July 7, 2014

Journal _____
_____, 2014

County Council of Cuyahoga County, Ohio

Resolution No. R2014-0164

Sponsored by: Councilmember Greenspan	A Resolution providing for the submission to the electors of the County of Cuyahoga an amendment adding Article VI, Section 6.03 of the Charter of Cuyahoga County establishing the Investment Advisory Committee in the Charter; and declaring the necessity that this Resolution become immediately effective.
--	---

WHEREAS, Article XII, Section 12.10 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 establish the Investment Advisory Committee in the Charter.

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 XII, Section 12.10 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 4th day of November, 2014, the question of adding Article VI, Section 6.03 of the Charter of the County of Cuyahoga, the respective text to be as set forth herein, with boldfaced text being added, crossed out text being deleted and subsequent sections renumbered as follows:

SECTION 6.03 INVESTMENT ADVISORY COMMITTEE.

(1) Establishment and Composition. There shall be an Investment Advisory Committee which shall consist of the County Treasurer, a member of the County Council appointed by the President of Council, and the Prosecuting Attorney.

The initial appointment of the member of County Council to serve on the Investment Advisory Committee shall take place within thirty (30) days of the effective date of this section. The term of the member of County Council serving on the Investment

Advisory Committee shall continue until a successor is appointed in accordance with this section.

Subsequent appointments of the member of County Council to serve on the Investment Advisory Committee shall be made by the Council President within thirty (30) days after each organizational meeting of Council following a regular election for members of the Council.

In the case of a vacancy of the member of the County Council serving on the Investment Advisory Committee prior to the appointment of a successor, the Council President shall appoint another member of the County Council to complete the unexpired term.

(2) Powers and Duties. Members of the Investment Advisory Committee may not appoint deputies to serve on their behalf. The Investment Advisory Committee shall exercise all powers and perform all duties of a county investment advisory committee as prescribed by general law unless otherwise specified herein.

(3) County Investment Policies. The establishment or amendment of county investment policies by the Investment Advisory Committee shall be subject to the approval of the County Council.

(4) Operational Rules and Procedures. The Investment Advisory Committee shall establish its own rules and procedures, subject to approval by Council.

SECTION 2. Pursuant to Article X, Section 4 of the Ohio Constitution, and Article XII, Section 12.10 of the Charter of the County of Cuyahoga, this Council hereby directs that the proposed amendment creating Article VI, Section 6.03 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 Article VI, Section 6.03 Investment Advisory Committee of the Charter of the County of Cuyahoga be added to establish the Investment Advisory Committee in the Charter and provide for its structure, operations, and authority?

SECTION 3. If the foregoing proposal receives the affirmative vote of a majority of the electors voting thereon, the existing provisions of Article VI, Section 6.03 to the extent that they 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 4, 2014 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 amendment to be properly placed on the November 4, 2014 election. Provided that this Resolution receives the affirmative vote of eight (8) members of Council, it shall become immediately effective.

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

Clerk of Council

Date

First Reading/Referred to Committee: June 24, 2014

Committee(s) Assigned: Committee of the Whole

Journal _____
_____, 2014

**[PROPOSED SUBSTITUTE SPONSORED BY
COUNCILMEMBER GREENSPAN]**

County Council of Cuyahoga County, Ohio

Resolution No. R2014-0164

Sponsored by: Councilmember Greenspan	A Resolution providing for the submission to the electors of the County of Cuyahoga an amendment to Article III, Section 3.09 of the Charter of Cuyahoga County providing that the County may, by ordinance, establish laws governing the deposit and investment of the County’s money, including the ability to reorganize the Investment Advisory Committee; and declaring the necessity that this Resolution become immediately effective.
--	--

WHEREAS, Article XII, Section 12.10 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 providing that the County may, by ordinance, establish laws governing the deposit and investment of the County’s money, including the ability to reorganize the Investment Advisory Committee.

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 XII, Section 12.10 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 4th day of November, 2014, the question of amending Article III, Section 3.09 of the Charter of the County of Cuyahoga, the respective text to be as set forth herein, with boldfaced text being added, crossed out text being deleted and subsequent sections renumbered as follows:

SECTION 3.09 POWERS AND DUTIES OF THE COUNCIL.

The legislative power of the County, including the power to introduce, enact and amend ordinances and resolutions relating to all matters within the legislative power of the County, is vested in the Council. All powers of the Council shall be exercised by ordinance or resolution and shall include, but not be limited to, the following:

(13) To establish, by ordinance, the laws and procedures governing the deposit and investment of the County's moneys, including the general classifications of eligible investments and the ability to reorganize or reallocate the powers and duties of the Investment Advisory Committee prescribed by general law.

SECTION 2. Pursuant to Article X, Section 4 of the Ohio Constitution, and Article XII, Section 12.10 of the Charter of the County of Cuyahoga, this Council hereby directs that the proposed amendment amending Article III, 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 Article III, Section 3.09 Powers and Duties of the Council, of the Charter of the County of Cuyahoga be amended to provide that the County may, by ordinance, establish the laws and procedures governing the deposit and investment of the County's money, including the ability to reorganize the Investment Advisory Committee?

SECTION 3. If the foregoing proposal receives the affirmative vote of a majority of the electors voting thereon, the existing provisions of Article III, Section 3.09 to the extent that they 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 4, 2014 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 amendment to be properly placed on the November 4, 2014 election. Provided that this Resolution receives the affirmative vote of eight (8) members of Council, it shall become immediately effective.

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

Clerk of Council

Date

First Reading/Referred to Committee: June 24, 2014

Committee(s) Assigned: Committee of the Whole

Journal _____
_____, 2014

County Council of Cuyahoga County, Ohio

Resolution No. R2014-0165

Sponsored by: Councilmember Greenspan	A Resolution providing for the submission to the electors of the County of Cuyahoga an amendment to Article VI, Sections 6.01 and 6.02 and Article XI, Section 11.01 of the Charter of Cuyahoga County changing the composition of various County Boards and Commissions to ensure independence of judgment of all members; and declaring the necessity that this Resolution become immediately effective.
--	---

WHEREAS, Article XII, Section 12.10 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 change the composition of various County Boards and Commissions to ensure independence of judgment of all members.

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 XII, Section 12.10 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 4th day of November, 2014, the question of amending Article VI, Sections 6.01 and 6.02, and Article XI, Section 11.01 of the Charter of the County of Cuyahoga, the respective text to be as set forth herein, with boldfaced text being added, crossed out text being deleted and subsequent sections renumbered as follows:

ARTICLE VI – BOARDS AND COMMISSIONS

SECTION 6.01 BUDGET COMMISSION.

The Budget Commission shall consist of the County Executive, ~~the Fiscal Officer~~ **the Council President** and the Prosecuting Attorney. **The Fiscal Officer shall serve as an ex officio, non-voting member.** Members of the Budget Commission may appoint

deputies to serve on their behalf. The Budget Commission shall exercise all powers and perform all duties of a county budget commission as prescribed by general law.

SECTION 6.02 BOARD OF REVISION

(1) The County shall have a single Board of Revision, consisting of three members, which shall perform all powers and duties of county boards of revision under general law and such other powers and duties not inconsistent therewith as provided herein or by ordinance. As of the effective date of this provision, the Board shall consist of the County Executive, one appointee of the Council President, and **one elector of the County appointed by the County Executive and confirmed by Council**, ~~at the choice of the County Executive, either the Fiscal Officer or Treasurer.~~

(a) At the choice of the Council President, the Council President's appointee may either be a member of Council or any other elector of the County. The term of the Council President's first appointee shall be from the effective date of this provision until January 4, 2016. The term of subsequent appointees shall be for a period of two years commencing on the fifth day of January and every two years thereafter.

(b) The term of the County Executive's first appointee shall be from the effective date of confirmation until January 4, 2017. The term of subsequent appointees shall be for a period of two years commencing on the fifth day of January and every two years thereafter.

~~(b)~~**(c)** If a vacancy occurs in the Council President's appointee position **either of the appointed positions**, the ~~Council President~~ **proper appointing authority** shall appoint a new member to complete the unexpired term.

~~(c)~~**(d)** The Council President's appointee shall not belong to the same political party as the County Executive.

(2) The Board shall elect a chairperson, a secretary, and other officers as it deems appropriate at its organizational meetings.

(3) The Board shall have the power to set the hearing schedule for matters before it, and to make and amend its own internal operating rules, procedures, and regulations.

(4) The Board may employ administrative staff, including an administrator, as it deems necessary, to assist it in the performance of its powers and duties. All employees of the Board shall be unclassified employees.

(5) The Board shall employ or otherwise engage individuals to serve on one or more three-member hearing panels to hear complaints as to the value of real property and to perform other duties assigned to them by the Board. The individuals serving on hearing panels shall be electors of the County; shall serve at the pleasure of the board; and shall abide by the Board's hearing schedule, rules, procedures, and regulations in performing their duties.

- (6) The Board shall establish merit qualifications for the individuals serving on hearing panels as it deems necessary for them to perform their duties. In establishing the merit qualifications, the Board shall strive to employ or otherwise engage highly qualified individuals to elevate the citizens' trust in the system.
- (7) The Board may not itself hear complaints related to the valuation of real property, and no member of the Board may serve on any of the hearing panels. The decisions of the hearing panels relating to real property valuation complaints shall constitute the final decisions of the Board and shall not be subject to further review by the Board itself.
- (8) No member of the Board or any of the hearing panels may have any ex parte communications with any party, elected officials, county employees, or any other person regarding the merits of a pending matter before the panel. The Board shall enact and publish additional rules, procedures, or regulations to ensure that the system is administered fairly, including rules, procedures, or regulations governing conflicts of interest.
- (9) The Board may utilize any boards of revision or hearing panels in existence as of the effective date of this provision as hearing panels to avoid any interruption of services.

ARTICLE XI – INTERNAL AUDITING

SECTION 11.01 COUNTY AUDIT COMMITTEE

The County Audit Committee shall provide internal auditing to assist the County Executive, Fiscal Officer, the Council, and other county officers and departments, institutions, boards, commissions, authorities, organizations, and agencies of the County government funded in whole or in part by County funds in providing taxpayers of the County with efficient and effective services. The County Audit Committee shall consist of the ~~Fiscal Officer, who shall serve as chair of the committee,~~ the County Executive, the President of Council and ~~two~~ **three** residents of the County appointed by the County Executive and confirmed by Council for terms ending one year, ~~and two years,~~ **and three years**, respectively, following the end of the term of the office of the then County Executive. **The County Audit Committee shall elect a chairperson at the first regular meeting in each calendar year.** Upon a vacancy of an appointed position on the County Audit Committee, the County Executive shall appoint a replacement to fill the incomplete term, subject to confirmation by Council. An appointed member of the County Audit Committee may be removed by a vote of a majority of the County Audit Committee, subject to the approval of County Council. The County Audit Committee shall meet at least quarterly and shall oversee internal and external audits.

SECTION 2. Pursuant to Article X, Section 4 of the Ohio Constitution, and Article XII, Section 12.10 of the Charter of the County of Cuyahoga, this Council hereby directs that the proposed amendment amending Article VI, Sections 6.01 and 6.02, and Article XI, Section 11.01 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 Article VI, Sections 6.01 and 6.02 and Article XI, Section 11.01 of the Charter of the County of Cuyahoga be amended to change the composition of various County Boards and Commissions to ensure independence of judgment of all members?

SECTION 3. If the foregoing proposal receives the affirmative vote of a majority of the electors voting thereon, the existing provisions of Article VI, to the extent that they 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 4, 2014 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 amendment to be properly placed on the November 4, 2014 election. Provided that this Resolution receives the affirmative vote of eight (8) members of Council, it shall become immediately effective.

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

Clerk of Council

Date

First Reading/Referred to Committee: June 24, 2014
Committee(s) Assigned: Committee of the Whole

Journal _____
_____, 2014

**[PROPOSED SUBSTITUTE SPONSORED BY
COUNCILMEMBER CONNALLY]**

County Council of Cuyahoga County, Ohio

Resolution No. R2014-0165

Sponsored by: Councilmember Greenspan	A Resolution providing for the submission to the electors of the County of Cuyahoga an amendment to Article XI, Section 11.01 of the Charter of Cuyahoga County changing the composition of the County Audit Committee to ensure independence of judgment of all members; and declaring the necessity that this Resolution become immediately effective.
--	---

WHEREAS, Article XII, Section 12.10 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 change the composition of the County Audit Committee to ensure independence of judgment of all members.

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 XII, Section 12.10 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 4th day of November, 2014, the question of amending Article XI, Section 11.01 of the Charter of the County of Cuyahoga, the respective text to be as set forth herein, with boldfaced text being added, crossed out text being deleted and subsequent sections renumbered as follows:

ARTICLE XI – INTERNAL AUDITING

SECTION 11.01 COUNTY AUDIT COMMITTEE

The County Audit Committee shall provide internal auditing to assist the County Executive, Fiscal Officer, the Council, and other county officers and departments, institutions, boards, commissions, authorities, organizations, and agencies of the County government funded in whole or in part by County funds in providing taxpayers of the County with efficient and effective services. The County Audit Committee shall consist of ~~the Fiscal Officer, who shall serve as chair of the committee, the County Executive, the President of Council,~~ **a member of Council to be appointed by the President of Council,** and ~~two~~ **three** residents of the County appointed by the County Executive and confirmed by Council for terms ending one year, ~~and two years,~~ **and three years,** respectively, following the end of the term of the office of the then County Executive. **The County Audit Committee shall elect a chairperson at the first regular meeting in each calendar year.** Upon a vacancy of an appointed position on the County Audit Committee, the County Executive shall appoint a replacement to fill the incomplete term, subject to confirmation by Council. An appointed member of the County Audit Committee may be removed by a vote of a majority of the County Audit Committee, subject to the approval of County Council. The County Audit Committee shall meet at least quarterly and shall oversee internal and external audits.

SECTION 2. Pursuant to Article X, Section 4 of the Ohio Constitution, and Article XII, Section 12.10 of the Charter of the County of Cuyahoga, this Council hereby directs that the proposed amendment to Article XI, Section 11.01 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 Article XI, Section 11.01 of the Charter of the County of Cuyahoga be amended to change the composition of the County Audit Committee to ensure independence of judgment of all members?

SECTION 3. If the foregoing proposal receives the affirmative vote of a majority of the electors voting thereon, the existing provisions of Article XI, to the extent that they 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 4, 2014 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 amendment to be properly placed on the November 4, 2014 election. Provided that this Resolution receives the affirmative vote of eight (8) members of Council, it shall become immediately effective.

County Council of Cuyahoga County, Ohio

Resolution No. R2014-0166

Sponsored by: Councilmember Schron	A Resolution providing for the submission to the electors of the County of Cuyahoga an amendment to Article III, Sections 3.05 and 3.06; enacting Article XIV, Section 14.01 of the Charter of Cuyahoga County to remove party affiliation from elected County offices; and declaring the necessity that this Resolution become immediately effective.
---	---

WHEREAS, Article XII, Section 12.10 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 remove party affiliation from elected County offices.

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 XII, Section 12.10 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 4th day of November, 2014, the question of amending Article III, Sections 3.05 & 3.06; and enacting Article XIV, Section 14.01 of the Charter of Cuyahoga County, the respective text to be as set forth herein, with boldfaced text being added and crossed out text being deleted as follows:

SECTION 3.05 COUNCIL VACANCIES

When a vacancy occurs in a Council position, ~~precinct committee members of the same political party and from the same district as the vacating member shall choose a replacement within thirty days of the occurrence of the vacancy. If the precinct committee members fail to make the appointment in the allotted time,~~ the Council shall have thirty days to **appoint a replacement** ~~make the appointment.~~ If the Council fails to make the appointment, the County Executive shall make the appointment.

~~SECTION 3.06 COUNCIL VACANCIES; NO PARTY AFFILIATION [Repealed]~~
~~When a vacancy occurs in a Council position and the person vacating the position was not a member of a political party with precinct committee members, the Council shall choose a replacement within thirty days of the occurrence of the vacancy. If Council fails to appoint a replacement within thirty days, the County Executive shall make the appointment.~~

ARTICLE XIV: ELECTION OF COUNTY OFFICERS

SECTION 14.01 NONPARTISAN ELECTION

Candidates for the offices of County Executive, Prosecuting Attorney, and County Council shall be nominated at non-partisan primary elections to be held on the dates provided by general law for the holding of primary elections of county officers. The two candidates receiving the highest number of votes at each primary election shall have their names printed on the official ballot at the general election, and the names of no other candidates shall be printed thereon. A write-in space shall be provided on each ballot in the manner prescribed by general law.

SECTION 2. Pursuant to Article X, Section 4 of the Ohio Constitution, and Article XII, Section 12.10 of the Charter of the County of Cuyahoga, this Council hereby directs that the proposed amendment to Article III, Sections 3.05 & 3.06 and enactment of Article XIV, Section 14.01 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 Article III, Sections 3.05 & 3.06 be amended; and Article XIV, Section 14.01 of the Charter of Cuyahoga County be enacted to remove party affiliation from elected County offices?

SECTION 3. If the foregoing proposal receives the affirmative vote of a majority of the electors voting thereon, the existing provisions of Article III, Sections 3.05 & 3.06; and Article XIV, Section 14.01 to the extent that they 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 4, 2014 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 amendment to be properly placed on the November 4, 2014 election. Provided that this Resolution

receives the affirmative vote of eight (8) members of Council, it shall become immediately effective.

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

Clerk of Council

Date

First Reading/Referred to Committee: June 24, 2014

Committee(s) Assigned: Committee of the Whole

Journal _____
_____, 2014