



AGENDA
CUYAHOGA COUNTY COMMITTEE OF THE WHOLE MEETING
TUESDAY, JULY 10, 2012
CUYAHOGA COUNTY JUSTICE CENTER
COUNCIL CHAMBERS – 1ST FLOOR
1:00 PM

1. CALL TO ORDER

2. ROLL CALL

3. PUBLIC COMMENT RELATED TO THE AGENDA

4. APPROVAL OF MINUTES

- a) June 26, 2012

5. MATTERS REFERRED TO COMMITTEE

- a) R2012-0097: A Resolution providing for submission to the electors of the County of Cuyahoga an amendment to Article 2, Section 4, and Article 3 Section 7 of the Charter of Cuyahoga County; and declaring the necessity that this Resolution become immediately effective.
- b) R2012-0098: A Resolution providing for submission to the electors of the County of Cuyahoga an amendment to Article 3, Section 10, Subsection 5 of the Charter of Cuyahoga County; and declaring the necessity that this Resolution become immediately effective.
- c) R2012-0099: A Resolution providing for submission to the electors of the County of Cuyahoga an amendment to Article 6, Section 2 of the Charter of Cuyahoga County; and declaring the necessity that this Resolution become immediately effective.
- d) R2012-0100: A Resolution providing for submission to the electors of the County of Cuyahoga an amendment to Article 9, Section 1 of the Charter of Cuyahoga County; and declaring the necessity that this Resolution become immediately effective.

- e) R2012-0101: A Resolution providing for submission to the electors of the County of Cuyahoga an amendment to Article 11, Sections 1 and 3 of the Charter of Cuyahoga County; and declaring the necessity that this Resolution become immediately effective.

- f) R2012-0103: A Resolution providing for submission to the electors of the County of Cuyahoga an amendment to Article 2, Section 2.03(1) and Article 9, Section 4 of the Charter of Cuyahoga County; and declaring the necessity that this Resolution become immediately effective.

- g) R2012-0104: A Resolution providing for submission to the electors of the County of Cuyahoga an amendment to Article 5, Section 2, Section 7 and Article 10, Section 1 of the Charter of Cuyahoga County; and declaring the necessity that this Resolution become immediately effective.

6. MISCELLANEOUS BUSINESS

7. OTHER PUBLIC COMMENT

8. ADJOURNMENT

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



MINUTES

CUYAHOGA COUNTY COMMITTEE OF THE WHOLE MEETING
TUESDAY, JUNE 26, 2012
CUYAHOGA COUNTY JUSTICE CENTER
COUNCIL CHAMBERS – 1ST FLOOR
1:00 PM

1. CALL TO ORDER

Due to the nature of the item referred to Committee, Council President Connally requested that Councilmember Schron preside over the meeting. Chairman Schron then called the meeting to order at 1:08 p.m.

2. ROLL CALL

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

3. PUBLIC COMMENT RELATED TO THE AGENDA

No public comments were given.

4. APPROVAL OF MINUTES

- a) June 12, 2012

A motion was made by Mr. Germana, seconded by Mr. Miller and approved by unanimous vote to approve the minutes of the June 12, 2012 meeting.

5. MATTERS REFERRED TO COMMITTEE

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

Mr. Schron made several opening remarks and then recognized Councilmembers Simon, Greenspan and Rogers who all submitted substitutes to the Ordinance. He then recognized all other Councilmembers and County Executive FitzGerald for further input regarding the item. Discussion ensued.

A brief recess was taken after which Councilmember Greenspan reconvened the meeting, due to the nature of the items referred to Committee.

Mr. Greenspan made several opening remarks regarding the Charter review process, timeline and schedule. He stated that no legislative action would be taken at this meeting, only discussion regarding the amendments.

- b) R2012-0097: A Resolution providing for submission to the electors of the County of Cuyahoga an amendment to Article 2, Section 4, and Article 3 Section 7 of the Charter of Cuyahoga County; and declaring the necessity that this Resolution become immediately effective.

Mr. Miller addressed the Committee regarding Resolution No. R2012-0097. Discussion ensued.

- c) R2012-0098: A Resolution providing for submission to the electors of the County of Cuyahoga an amendment to Article 3, Section 10, Subsection 5 of the Charter of Cuyahoga County; and declaring the necessity that this Resolution become immediately effective.

Mr. Miller addressed the Committee regarding Resolution No. R2012-0098. Discussion ensued.

- d) R2012-0099: A Resolution providing for submission to the electors of the County of Cuyahoga an amendment to Article 6, Section 2 of the Charter of Cuyahoga County; and declaring the necessity that this Resolution become immediately effective.

Mr. Miller addressed the Committee regarding Resolution No. R2012-0099. Discussion ensued.

A motion was made by Mr. Miller, seconded by Mr. Brady and approved by unanimous vote to amend Resolution No. R2012-0099, Section 6.02 of the County Charter regarding the Board of Revision, by deleting "*Fiscal Officer and the administrator of the Human Resources Commission*" and inserting "*Human Resource Department*" in the last sentence of paragraph 2, and deleting "*administrator of the Human Resources Commission*" and inserting "*Human Resource Department*" in the first sentence of paragraph 6.

- e) R2012-0100: A Resolution providing for submission to the electors of the County of Cuyahoga an amendment to Article 9, Section 1 of the

Charter of Cuyahoga County; and declaring the necessity that this Resolution become immediately effective.

Ms. Conwell and Mr. Miller addressed the Committee regarding Resolution No. R2012-0100. Discussion ensued.

- f) R2012-0101: A Resolution providing for submission to the electors of the County of Cuyahoga an amendment to Article 11, Sections 1 and 3 of the Charter of Cuyahoga County; and declaring the necessity that this Resolution become immediately effective.

Ms. Connally and Mr. Miller addressed the Committee regarding Resolution No. R2012-0101. Discussion ensued.

- g) R2012-0103: A Resolution providing for submission to the electors of the County of Cuyahoga an amendment to Article 2, Section 2.03(1) and Article 9, Section 4 of the Charter of Cuyahoga County; and declaring the necessity that this Resolution become immediately effective.

Mr. Majeed Makhoul, Director of Law, addressed the Committee regarding Resolution No. R2012-0103. Discussion ensued.

A motion was made by Mr. Miller, seconded by Mr. Greenspan and approved by unanimous vote to amend Resolution No. R2012-0103, Section 9.04 of the County Charter regarding Appointing Authorities, by deleting “and transfer” in the second sentence of paragraph 1.

- h) R2012-0104: A Resolution providing for submission to the electors of the County of Cuyahoga an amendment to Article 5, Section 2, Section 7 and Article 10, Section 1 of the Charter of Cuyahoga County; and declaring the necessity that this Resolution become immediately effective.

Mr. Wade Steen, Fiscal Officer addressed the Committee regarding Resolution No. R2012-0104. Discussion ensued.

6. MISCELLANEOUS BUSINESS

There was no miscellaneous business.

7. OTHER PUBLIC COMMENT

No public comments were given.

8. ADJOURNMENT

With no further business to discuss and on a motion by Ms. Connally with a second by Mr. Greenspan, the meeting was adjourned at 3:52 p.m., without objection.

County Council of Cuyahoga County, Ohio

Resolution No. R2012-0097

Sponsored by: Councilmember Miller	A Resolution providing for submission to the electors of the County of Cuyahoga an amendment to Article 2, Section 4, and Article 3 Section 7 of the Charter of Cuyahoga County; and declaring the necessity that this Resolution become immediately effective.
--	--

WHEREAS, Article 12, Section 10 of the Charter of Cuyahoga County provides that "Proposed amendments to this Charter shall be submitted to the electors of the County in the manner provided for by the Ohio Constitution"; and

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

WHEREAS, this Council believes it is in the best interest of the citizens of the County of Cuyahoga to amend the County Charter to revise the provisions related to the filling of vacancies for County Executive and for County Council to ensure that the process for filling such vacancies coordinates properly with the election filing deadlines that are established by law.

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

SECTION 1. Pursuant to Article X, Section 4 of the Ohio Constitution and Article 12, Section 10 of the Charter of the County of Cuyahoga, this Council hereby authorizes and directs that there shall be submitted to a vote of qualified electors of the County of Cuyahoga, at the general election to be held on Tuesday, the 13th day of November, 2012, the question of amending Section 6.02 the Charter of the County of Cuyahoga, the respective text to be as set forth herein, with boldfaced and underlined text being added, and crossed out text being deleted as follows:

2.04 Vacancy

In the event the office of the County Executive becomes vacant by reason of death, resignation, removal from office, failure to remain an elector of the County or for any other reason, the President of Council shall succeed to the office of County

Executive on an interim basis. If a vacancy occurs ~~in the first or second year of a four-year term, the interim succession shall be for a period until the next countywide general election, at which time the position shall be filled for the principal term. If a vacancy occurs in the third or fourth year of a four-year term, the interim succession shall extend until the next countywide general election, at which time the position shall be filled for the next four-year term.~~ **at least thirty (30) days prior to the filing deadline for the primary for the countywide general election held during the second year of a four-year term, the interim appointment shall be for a period until the end of the calendar year in which that same countywide general election takes place, at which election the position shall be filled for the remainder of the unexpired term. Otherwise, the interim appointment shall extend for the remainder of the four-year term.** The interim succession of the President of Council to the office of County Executive as provided herein shall create a vacancy in the membership of County Council and in the position of President of Council. Upon the occurrence of a vacancy in the position of President of Council, the Vice-President of Council shall assume the position of President, and the Council shall elect a member to serve as Vice-President. The Council seat vacated by the former ~~Council president~~ **President of Council** shall be filled ~~in the manner described herein~~ **as provided for in Article 3, Section 5 or 6, as applicable.**

3.07 Vacancies; Length of Appointment

If a vacancy occurs ~~in the first or second year of a four-year term, the interim appointment shall be for a period until the next countywide general election, at which time the position shall be filled for the remainder of the unexpired term. If a vacancy occurs in the third or fourth year of a four-year term, the interim appointment shall extend until the next countywide general election, at which time the position shall be filled for the next four-year term.~~ **at least thirty (30) days prior to the filing deadline for the primary for the countywide general election held during the second year of a four-year term, the interim appointment shall be for a period until the end of the calendar year in which that same countywide general election takes place, at which election the position shall be filled for the remainder of the unexpired term. Otherwise, the interim appointment shall extend for the remainder of the four-year term.**

SECTION 2. Pursuant to Article X, Section 4 of the Ohio Constitution, and Article 12, Section 10 of the Charter of the County of Cuyahoga, this Council hereby directs that the proposed amendment of Charter Sections 2.04 and 3.07 shall be submitted to the Board of Elections of Cuyahoga County and the question to be submitted on the ballot shall be as follows:

PROPOSED AMENDMENT TO COUNTY CHARTER

Shall the County Charter be amended to align the provisions for filling vacancies for County Executive and for County Council with the primary election filing deadlines that are established by law?

SECTION 3. If the foregoing proposal receives the affirmative vote of a majority of the electors voting thereon, the existing provisions of Article 2, Section 4 and Article 3, Section 7 which are inconsistent herewith, shall be and the same are hereby repealed effective as of the date on which such amendment becomes effective.

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

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

SECTION 6. It is found and determined that all formal actions of this Council relating to the adoption of this Resolution were adopted in an open meeting of the Council, and that all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

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

Yeas:

Nays:

County Council President

Date

County Executive

Date

Clerk of Council

Date

First Reading/Referred to Committee: June 12, 2012

Committee(s) Assigned: Committee of the Whole

Journal _____
_____, 2012

County Council of Cuyahoga County, Ohio

Resolution No. R2012-0098

Sponsored by: Councilmember Miller	A Resolution providing for submission to the electors of the County of Cuyahoga an amendment to Article 3, Section 10, Subsection 5 of the Charter of Cuyahoga County; and declaring the necessity that this Resolution become immediately effective.
--	--

WHEREAS, Article 12, Section 10 of the Charter of Cuyahoga County provides that "Proposed amendments to this Charter shall be submitted to the electors of the County in the manner provided for by the Ohio Constitution"; and

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

WHEREAS, this Council believes it is in the best interest of the citizens of the County of Cuyahoga to amend the Cuyahoga County Charter to provide that the County Council shall have the authority to pass ordinances and resolutions, without submission to the County Executive for approval, that provide for the County Council's internal operations, the approval of contracts and contract amendments for the Council's office, the making of appointments and confirmation of appointments by the County Executive, the exercise of Council's investigatory powers, and the submission of charter amendments to the electors.

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

SECTION 1. Pursuant to Article X, Section 4 of the Ohio Constitution and Article 12, Section 10 of the Charter of the County of Cuyahoga, this Council hereby authorizes and directs that there shall be submitted to a vote of qualified electors of the County of Cuyahoga, at the general election to be held on Tuesday, the 13th day of November, 2012, the question of amending Sections 3.10(5) and 3.10(8) of the Charter of the County of Cuyahoga, the respective text to be as set forth herein, with boldfaced and underlined text being added, and crossed out text being deleted as follows:

SECTION 3.10 ORGANIZATION, RULES AND PROCEDURES.

(5) **Adoption by Council.** No action of the Council shall be valid or binding unless adopted by an affirmative vote of at least a majority of the members of Council. Each **adopted** ordinance or resolution shall be signed by the presiding officer and promptly presented by the Clerk of Council to the County Executive for approval or disapproval. **Notwithstanding the foregoing, the following actions shall be finally approved or disapproved upon action by Council, without presentation to the County Executive for approval or disapproval:**

(a) Adoption or amendment of the rules and order of business of the Council;

(b) Adoption of the schedule of Council meetings, creation of committees, and other actions relating to the internal operations of the Council;

(c) Adoption of the Council office's organizational structure and hiring and setting compensation of the employees of the Council office consistent with the approved internal operating budget of the County Council office;

(d) Approval of contracts or amendments to contracts for services for the Council office, consistent with the approved internal operating budget of the County Council office;

(e) Confirmation of appointments recommended by the County Executive;

(f) Making of appointments designated in this Charter to be made by Council;

(g) Adoption of resolutions to require the attendance of County employees or officers at Council meetings and resolutions to compel the attendance of witnesses, issue subpoenas, or refer matters to the Prosecuting Attorney in accordance with Article 3, Section 12; and

(h) Submission of proposed amendments to this Charter to the electors of Cuyahoga County.

(8) **Effective Dates of Legislation.** Each ordinance or resolution shall take effect in the manner and at the time provided by general law for ordinances or resolution of cities. Unless a later time is specified therein, each measure designated to become immediately effective shall take effect upon signature by the County Executive, upon the expiration of the time during which it may be disapproved, or upon its passage after disapproval by the County Executive, as the case may be. Each measure designated to become immediately effective shall contain a statement of the necessity for such action and shall require the affirmative vote of at least

eight members of the Council for enactment. **Any ordinance or resolution that does not require presentation to the County Executive for approval or disapproval shall become effective in the same way provided for in this section, except that any required time intervals shall be determined starting with the time that the measure is signed by the presiding officer following adoption by the Council.**

SECTION 2. Pursuant to Article X, Section 4 of the Ohio Constitution, and Article 12, Section 10 of the Charter of the County of Cuyahoga, this Council hereby directs that the proposed amendment of Article 3, Sections 10(5) and 10(b) shall be submitted to the Board of Elections of Cuyahoga County and the question to be submitted on the ballot shall be as follows:

PROPOSED AMENDMENT TO COUNTY CHARTER

Shall the County Charter be amended clarify the powers and duties of the County Council with respect to Council's internal operations, the approval of contracts and contract amendments for the Council's office, the making of appointments and confirmation of appointments by the County Executive, the exercise of Council's investigatory powers, and the submission of charter amendments to the electors and to identify those actions requiring only the approval of Council?

SECTION 3. If the foregoing proposal receives the affirmative vote of a majority of the electors voting thereon, the existing provisions of Article 3, Section 10, Subsection 5, which are inconsistent herewith, shall be and the same are hereby repealed effective as of the date on which such amendment becomes effective.

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

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

SECTION 6. It is found and determined that all formal actions of this Council relating to the adoption of this Resolution were adopted in an open meeting of the Council, and that all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public, in

compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

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

Yeas:

Nays:

County Council President Date

County Executive Date

Clerk of Council Date

First Reading/Referred to Committee: June 12, 2012

Committee(s) Assigned: Committee of the Whole

Journal _____
_____, 2012

County Council of Cuyahoga County, Ohio

Resolution No. R2012-0099

Sponsored by: Councilmember Miller	A Resolution providing for submission to the electors of the County of Cuyahoga an amendment to Article 6, Section 2 of the Charter of Cuyahoga County; and declaring the necessity that this Resolution become immediately effective.
--	---

WHEREAS, Article 12, Section 10 of the Charter of Cuyahoga County provides that "Proposed amendments to this Charter shall be submitted to the electors of the County in the manner provided for by the Ohio Constitution"; and

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

WHEREAS, this Council believes it is in the best interest of the citizens of the County of Cuyahoga to amend the County Charter to clarify the composition, powers, and duties of the Cuyahoga County Board of Revision, to replace the County Treasurer's membership on the Board with a member of Council, to distinguish between the powers and duties of the Board itself from those of Hearing Boards employed by the Board and to provide that Hearing Board members have experience and proven ability in the areas of real estate appraisal, real estate and/or real estate law?

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

SECTION 1. Pursuant to Article X, Section 4 of the Ohio Constitution and Article 12, Section 10 of the Charter of the County of Cuyahoga, this Council hereby authorizes and directs that there shall be submitted to a vote of qualified electors of the County of Cuyahoga, at the general election to be held on Tuesday, the 13th day of November, 2012, the question of amending Section 6.02 the Charter of the County of Cuyahoga, the respective text to be as set forth herein, with boldfaced and underlined text being added, and crossed out text being deleted as follows:

SECTION 6.02 BOARD OF REVISION

There shall be ~~one or more~~ **a Board** Boards of Revision, each ~~consisting of three electors of the County. Two members of each board, who shall not be of the same political party, shall be appointed by the Council, and one member shall be appointed by the County Executive, each for a term of three years.~~ **which shall consist of the County Executive, the Fiscal Officer, and one County Councilperson, who shall be appointed by the Council President to a two-year term, ending at the end of each odd-numbered calendar year, or for the remainder of a two year term if a vacancy occurs. The** Each Board of Revision shall exercise all **powers and** duties of a county board of revision as prescribed by general law, **except as otherwise provided in this Charter.** The Council may provide for compensation for members of a Board of Revision. **There shall be no additional compensation for members of the Board of Revision in addition to their regular compensation by the County.**

The Board of Revision shall determine its own rules and procedures, consistent with this charter and general law and shall appoint an Administrator and such other assistants as it deems necessary for the efficient performance of its duties, consistent with the County's operating budget. The Administrator shall be responsible for the office operations of the Board of Revision and the Hearing Boards and shall set the hearing schedules for hearing of complaints regarding the valuation of real property. The Board of Revision, with the assistance of the Department of Human Resources, shall determine compensation for its administrative staff, who shall be unclassified employees.

The Board of Revision may create one or more Hearing Boards, which shall have the same powers to hear and make decisions on complaints as to the value of real property that are given to board of revision hearing boards by general law. The Board of Revision shall establish qualifications for members of the Hearing Boards to insure that such members have experience and proven ability in the areas of appraisal, real estate and/or law. Each Hearing Board shall consist of three residents of the County, appointed by the Board of Revision, subject to confirmation by the Council. If a position on any Hearing Board becomes vacant, the Board of Revision shall appoint a new member for the remainder of the term in the same way that the original members were appointed. If the Council fails to act on the question of any such appointment within thirty days of the date that the Board of Revision submits such appointment to Council for its consideration, that appointment shall be deemed confirmed without further action by the Council.

Each Hearing Board member shall be appointed to a term of three years, except that in consultation with the Administrator, the Board of Revision may create one or more temporary Hearing Boards with a term of up to one year in order to clear backlogs or in anticipation of heavy workloads. The above provisions on length of term notwithstanding, the Board of Revision shall, if it

appoints more than one Hearing Board, adjust the term of future appointments so that the ending dates of the various Hearing Boards are staggered, but the terms of all the members of any one Hearing Board end at the same time.

The Council, in consultation with the Board of Revision and the Department of Human Resources, shall determine a compensation plan for members of the Hearing Boards, who shall be considered full-time unclassified employees of the Board of Revision. The Board of Revision may remove a member of a Hearing Board for cause, subject to confirmation by the Council, using the same confirmation process as for appointment.

SECTION 2. Pursuant to Article X, Section 4 of the Ohio Constitution, and Article 12, Section 10 of the Charter of the County of Cuyahoga, this Council hereby directs that the proposed amendment of Charter Sections 6.02 shall be submitted to the Board of Elections of Cuyahoga County and the question to be submitted on the ballot shall be as follows:

PROPOSED AMENDMENT TO COUNTY CHARTER

Shall the County Charter be amended to establish the composition of the Board of Revision as consisting of the Cuyahoga County Executive, Fiscal Officer, and a member of Council, and to clarify the powers and duties of the Cuyahoga County Board of Revision, to distinguish between the powers and duties of the Board itself from those of Hearing Boards employed by the Board, to remove the political party affiliation from the Hearing Board requirements, and to provide that Hearing Board members have experience and proven ability in the areas of real estate appraisal, real estate and/or real estate law?

SECTION 3. If the foregoing proposal receives the affirmative vote of a majority of the electors voting thereon, the existing provisions of Article 6, Section 2 which are inconsistent herewith, shall be and the same are hereby repealed effective as of the date on which such amendment becomes effective.

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

SECTION 5. It is necessary that this Resolution become immediately effective to enable the Clerk of Council to perform her duties in time for the amendments to be properly placed on the November 13, 2012 election. Provided

that this Resolution receives the affirmative vote of eight (8) members of Council, it shall become immediately effective upon the signature of the County Executive.

SECTION 6. It is found and determined that all formal actions of this Council relating to the adoption of this Resolution were adopted in an open meeting of the Council, and that all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

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

Yeas:

Nays:

County Council President

Date

County Executive

Date

Clerk of Council

Date

First Reading/Referred to Committee: June 12, 2012

Committee(s) Assigned: Committee of the Whole

Journal _____
_____, 2012

County Council of Cuyahoga County, Ohio

Resolution No. R2012-0100

Sponsored by: Councilmembers Conwell and Miller	A Resolution providing for submission to the electors of the County of Cuyahoga an amendment to Article 9, Section 1 of the Charter of Cuyahoga County; and declaring the necessity that this Resolution become immediately effective.
---	---

WHEREAS, Article 12, Section 10 of the Charter of Cuyahoga County provides that "Proposed amendments to this Charter shall be submitted to the electors of the County in the manner provided for by the Ohio Constitution"; and

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

WHEREAS, this Council believes it is in the best interest of the citizens of the County of Cuyahoga to amend the County Charter to replace the joint authority of the County Executive and County Council to appoint and remove members of the Cuyahoga County Human Resources Commission through joint action by appointment and removal by the County Executive, subject to confirmation by County Council, to transfer such authority to be carried out by County Council exclusively.

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

SECTION 1. Pursuant to Article X, Section 4 of the Ohio Constitution and Article 12, Section 10 of the Charter of the County of Cuyahoga, this Council hereby authorizes and directs that there shall be submitted to a vote of qualified electors of the County of Cuyahoga, at the general election to be held on Tuesday, the 13th day of November, 2012, the question of amending Section 9.01 the Charter of the County of Cuyahoga, the respective text to be as set forth herein, with boldfaced and underlined text being added, and crossed out text being deleted as follows:

The ~~County Executive, subject to confirmation by the Council,~~ **Council** shall appoint the members of a Human Resource Commission, consisting of three electors of the County having experience in personnel matters or personnel

administration and who are supportive of equal opportunity considerations. No more than two of the three members of the Human Resource Commission shall be members of the same political party. The Human Resource Commission shall be responsible for administering, for and in cooperation with the officers, agencies, boards and commissions of the County, an efficient and economical system for the employment of persons in the public service of the County according to merit and fitness. The County's human resources policies and systems, including ethics policies for County employees, shall be established by ordinance and shall be administered in such manner as will eliminate unnecessary expense and duplication of effort, while ensuring that persons will be employed in the public service without discrimination on the basis of race, color, religion, sex, national origin, sexual orientation, disability, age or ancestry.

The term of office of each member of the Human Resource Commission shall be six years. The terms shall be staggered so that no term expires within less than two years of the expiration of any other term. The ~~County Executive~~ **Council** shall fill a vacancy occurring for an unexpired term in the same manner as a regular appointment.

Of the terms of office for the initial appointees, one shall be appointed for a term of six years, one shall be appointed for a term of four years and one shall be appointed for a term of two years. The County Executive shall nominate the initial appointees to the Human Resource Commission not later than March 1, 2011 and thereafter within thirty days after the occurrence of a vacancy.

No member of the Human Resource Commission shall hold any other public office or public employment with the County. The Council shall establish a per diem compensation for the members of the Human Resource Commission.

The ~~County Executive~~ **Council** may remove any member of the Human Resource Commission for inefficiency, neglect of duty or malfeasance in office after notice and public hearing before the Council, provided that eight members of the Council concur.

SECTION 2. Pursuant to Article X, Section 4 of the Ohio Constitution, and Article 12, Section 10 of the Charter of the County of Cuyahoga, this Council hereby directs that the proposed amendment of Charter Section 9.01 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 the County Charter be amended to provide that the County Council shall have the exclusive authority to appoint and remove members of the Cuyahoga County Human Resources Commission?

SECTION 3. If the foregoing proposal receives the affirmative vote of a majority of the electors voting thereon, the existing provisions of Article 9, Section 1 which are inconsistent herewith, shall be and the same are hereby repealed effective as of the date on which such amendment becomes effective.

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

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

SECTION 6. It is found and determined that all formal actions of this Council relating to the adoption of this Resolution were adopted in an open meeting of the Council, and that all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

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

Yeas:

Nays:

County Council President

Date

County Executive

Date

Clerk of Council

Date

First Reading/Referred to Committee: June 12, 2012
Committee(s) Assigned: Committee of the Whole

Journal _____
_____, 2012

County Council of Cuyahoga County, Ohio

Resolution No. R2012-0101

Sponsored by: Council President Connally and Councilmember Miller	A Resolution providing for submission to the electors of the County of Cuyahoga an amendment to Article 11, Sections 1 and 3 of the Charter of Cuyahoga County; and declaring the necessity that this Resolution become immediately effective.
--	---

WHEREAS, Article 12, Section 10 of the Charter of Cuyahoga County provides that "Proposed amendments to this Charter shall be submitted to the electors of the County in the manner provided for by the Ohio Constitution"; and

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

WHEREAS, this Council believes it is in the best interest of the citizens of the County of Cuyahoga to amend the County Charter to change the term of the Cuyahoga County Director of Internal Auditing so that it does not coincide with the term of the County Executive.

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

SECTION 1. Pursuant to Article X, Section 4 of the Ohio Constitution and Article 12, Section 10 of the Charter of the County of Cuyahoga, this Council hereby authorizes and directs that there shall be submitted to a vote of qualified electors of the County of Cuyahoga, at the general election to be held on Tuesday, the 13th day of November, 2012, the question of amending Sections 2.03(1) and 9.04 of the Charter of the County of Cuyahoga, the respective texts to be as set forth herein, with boldfaced and underlined text being added and crossed out text being deleted as follows:

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 residents of the County appointed by the County Executive and confirmed by Council- **for a term ending one year following the end of the term of office of the then County Executive. 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 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 11.03 DIRECTOR OF INTERNAL AUDITING: APPOINTMENT, DUTIES AND QUALIFICATIONS.

The Director of Internal Auditing shall be the head of the Department of Internal Auditing. The Director of Internal Auditing shall be a Certified Internal Auditor or member of the Institute of Internal Auditors or a similar successor organization and shall be subject to, and follow at all times, the Code of Ethics for Certified Internal Auditors or a similarly recognized code of ethics established by the Institute of Internal Auditors or a similar successor organization. The County Audit Committee shall recommend to the Council one or more candidates for appointment as the Director of Internal Auditing. The Council shall make the appointment, which shall be for a term **that expires on June 30, 2016. Thereafter, the term of the Director of Internal Auditing shall be for four years commencing on July 1, 2016, with subsequent terms commencing every four years on the first day of July.**, which shall be for a term of four years or ending with the end of the term of office of the then County Executive, whichever comes first. **In the case of a vacancy prior to the end of the appointed term of the Director of Internal Auditing, the County Audit Committee shall recommend to the Council one or more candidates for appointment as Director of Internal Auditing to fill the incomplete term.** The Director of Internal Auditing may be dismissed by the Council for cause, following a hearing at which the Director of Internal Auditing shall have had the opportunity to be represented by counsel and to present his or her case for retention in office. The Director of Internal Auditing shall interview and make recommendations for the hiring of staff for the Department of Internal Auditing to the County Audit Committee, which shall approve or reject such recommendations.

SECTION 2. Pursuant to Article X, Section 4 of the Ohio Constitution, and Article 12, Section 10 of the Charter of the County of Cuyahoga, this Council hereby directs that the proposed amendment of Charter Sections 11.01 and 11.03 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 the County Charter be amended to change the term of office of the appointed Director of Internal Auditing for Cuyahoga County so that it does not coincide with the term of the County Executive?

SECTION 3. If the foregoing proposal receives the affirmative vote of a majority of the electors voting thereon, the existing provisions of Article 11, Sections 1 and 3 which are inconsistent herewith, shall be and the same are hereby repealed effective as of the date on which such amendment becomes effective.

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

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

SECTION 6. It is found and determined that all formal actions of this Council relating to the adoption of this Resolution were adopted in an open meeting of the Council, and that all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

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

Yeas:

Nays:

County Council President

Date

County Executive

Date

Clerk of Council

Date

First Reading/Referred to Committee: June 12, 2012

Committee Assigned: Committee of the Whole

Journal _____
_____, 2012

County Council of Cuyahoga County, Ohio

Resolution No. R2012-0103

Sponsored by: County Executive FitzGerald	A Resolution providing for submission to the electors of the County of Cuyahoga an amendment to Article 2, Section 2.03(1) and Article 9, Section 4 of the Charter of Cuyahoga County; and declaring the necessity that this Resolution become immediately effective.
--	--

WHEREAS, Article 12, Section 10 of the Charter of Cuyahoga County provides that "Proposed amendments to this Charter shall be submitted to the electors of the County in the manner provided for by the Ohio Constitution"; and

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

WHEREAS, this Council believes it is in the best interest of the citizens of the County of Cuyahoga to amend the County Charter to clarify the powers and duties of the County Executive with respect to promoting and demoting County employees and the jurisdiction of County appointing authorities with regard to employee transfers and layoffs.

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

SECTION 1. Pursuant to Article X, Section 4 of the Ohio Constitution and Article 12, Section 10 of the Charter of the County of Cuyahoga, this Council hereby authorizes and directs that there shall be submitted to a vote of qualified electors of the County of Cuyahoga, at the general election to be held on Tuesday, the 13th day of November, 2012, the question of amending Sections 2.03(1) and 9.04 of the Charter of the County of Cuyahoga, the respective texts to be as set forth herein, with boldfaced and underlined text being added and crossed out text being deleted as follows:

SECTION 2.03 POWER AND DUTIES

(1) To appoint, **promote, demote**, suspend, discipline and remove all County personnel, including those appointive officers provided for in

Article V hereof **and the employees in their departments** and except those who, as provided by general law, are under the jurisdiction of officers, boards, agencies, commissions, and authorities of the County other than the board of county commissioners, and except those who are appointed by the Council pursuant to Section 3.09(1) of this charter or by the Prosecuting Attorney.

SECTION 9.04 APPOINTING AUTHORITIES

The County Executive and the officers, offices, agencies, departments, boards and commissions and other public bodies, who under this Charter or under general law are authorized to employ persons in the service of the County, shall be appointing authorities. **For purposes of layoff jurisdiction of employees, every Article V officer and every county department shall be its own jurisdiction. Consistent with Section 2.03(1), for purposes of employing, suspending, disciplining, promoting, demoting, and removing employees of the Article V officers and any department, approval of the County Executive shall be required.** Persons interested in employment with the County shall make application to the Department of Human Resources. No appointing authority shall appoint a person to fill a vacancy in the classified service who does not meet the qualifications for that position approved by the Human Resource Commission. All Appointing Authorities shall strive in making appointments in both the classified and the unclassified service to ensure that the diversity of the population of the County is reflected in the persons who are employed by the County.

SECTION 2. Pursuant to Article X, Section 4 of the Ohio Constitution, and Article 12, Section 10 of the Charter of the County of Cuyahoga, this Council hereby directs that the proposed amendment of Charter Sections 2.03(1) and 9.04 shall be submitted to the Board of Elections of Cuyahoga County and the question to be submitted on the ballot shall be as follows:

PROPOSED AMENDMENT TO COUNTY CHARTER

Shall the County Charter be amended to clarify the powers and duties of the County Executive with respect to employment actions and the jurisdiction of the County Executive and County appointing authorities with regard to employee transfers and layoffs?

SECTION 3. If the foregoing proposal receives the affirmative vote of a majority of the electors voting thereon, the existing provisions of Article 2, Section 2.03(1) and Article 9, Section 9.04 which are inconsistent herewith, shall be and the same are hereby repealed effective as of the date on which such amendment becomes effective.

SECTION 4. The Clerk of this Council is directed to certify a copy of this Resolution to the Board of Elections no earlier than one hundred twenty (120) days

and not later than sixty (60) days before the November 13, 2012 election. The Clerk is further directed to take all other actions required by law relative to the submission of said amendment for said election, including, if required by law, mailing or otherwise distributing a copy of said proposed amendment to each of the electors of the County as far as may be reasonably possible prior to thirty (30) days before said election.

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

SECTION 6. It is found and determined that all formal actions of this Council relating to the adoption of this Resolution were adopted in an open meeting of the Council, and that all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

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: June 12, 2012
Committee(s) Assigned: Committee of the Whole

Journal _____
_____, 2012

County Council of Cuyahoga County, Ohio

Resolution No. R2012-0104

Sponsored by: County Executive FitzGerald/Fiscal Officer/ County Treasurer/Office of Procurement & Diversity and Councilmember Miller	A Resolution providing for the submission to the electors of the County of Cuyahoga an amendment to Article 5, Section 2, Section 7 and Article 10, Section 1 of the Charter of Cuyahoga County; and declaring the necessity that this Resolution becomes immediately effective.
--	---

WHEREAS, Article 12, Section 10 of the Charter of Cuyahoga County provides that "Proposed amendments to this Charter shall be submitted to the electors of the County in the manner provided for by the Ohio Constitution"; and

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

WHEREAS, this Council believes it is in the best interest of the citizens of the County of Cuyahoga to amend the County Charter by creating a Department of Finance and Operations under the direction of the Fiscal Officer that shall have responsibility for all matters now assigned by the Charter to the Fiscal Officer, Treasurer, and the Purchasing Department.

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

SECTION 1. Pursuant to Article X, Section 4 of the Ohio Constitution and Article 12, Section 10 of the Charter of the County of Cuyahoga, this Council hereby authorizes and directs that there shall be submitted to a vote of qualified electors of the County of Cuyahoga, at the general election to be held on Tuesday, the 13th day of November, 2012, the question of amending Sections 5.02(1) the Charter of the County of Cuyahoga, the respective text to be as set forth herein, with boldfaced and underlined text being added, and crossed out text being deleted as follows:

SECTION 5.02 FISCAL OFFICER: POWERS, DUTIES AND QUALIFICATIONS.

(1) Powers and Duties: The Fiscal Officer shall exercise all powers and perform all duties now or hereafter vested in or imposed by general law upon county auditors, ~~and~~ county recorders, **and county treasurers**, and the powers and duties of clerks of court of common pleas other than those powers and duties related to

serving the operation of the courts, and such other powers and duties not inconsistent herewith as provided herein or by ordinance. The Fiscal Officer shall prepare and maintain the tax maps for the County.

~~5.07 COUNTY TREASURER: POWERS, DUTIES AND QUALIFICATIONS:~~

~~All powers and duties now or hereafter vested in or imposed upon county treasurers by general law shall be carried out by the appointed County Treasurer. The County Treasurer shall also have such powers and duties as shall be established by ordinance that are not inconsistent with those provided by general law. The County Treasurer shall have had at least five years' experience in the management of financial matters for political subdivisions.~~

ARTICLE X—PURCHASING **FINANCE AND OPERATIONS**

10.01: ~~Department of Finance and Operations~~ ~~Department of Purchasing~~

(1) There shall be a ~~Department of Purchasing~~ under the direction of the County Executive, which shall be **Department of Finance and Operations, under the direction of the Fiscal Officer. The Department shall have responsibility for all matters handled by county recorders, county auditors, and county treasurers under general law, and such other powers and duties not inconsistent herewith as provided herein or by ordinance.**

(2) **The Department of Finance and Operations shall also** be responsible, except as otherwise provided by this Charter or by ordinance, and to the extent permitted by the Ohio Constitution, for the purchase of goods and services required by all officers, offices, departments, boards, commissions or other public bodies, other than separate political subdivisions, that are supported in whole or in part from taxes levied, or other financial assistance provided by the County.

(3) **The Executive shall appoint, subject to Council's confirmation, a Deputy Fiscal Officer for Procurement and Diversity, and a Treasurer, and they shall report to the Fiscal Officer and serve at the pleasure of the County Executive.**

SECTION 2. Pursuant to Article X, Section 4 of the Ohio Constitution, and Article 12, Section 10 of the Charter of the County of Cuyahoga, this Council hereby directs that the proposed amendment of Article 5, Sections 5.02 and 5.07, and Article 10, Section 10.01 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 the County Charter be amended to consolidate the financial operations of the County by creating a Department of Finance and Operations under the direction of the Fiscal Officer that shall have responsibility for all matters now assigned by the Charter to the Fiscal Officer, Treasurer, and the Purchasing Department?

SECTION 3. If the foregoing proposal receives the affirmative vote of a majority of the electors voting thereon, the existing provisions of Article 5, Sections 2 and 7 and Article 10, Section 1 which are inconsistent herewith, shall be and the same are hereby repealed effective as of the date on which such amendment becomes effective.

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

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

SECTION 6. It is found and determined that all formal actions of this Council relating to the adoption of this Resolution were adopted in an open meeting of the Council, and that all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

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

Yeas:

Nays:

_____	_____
County Council President	Date
_____	_____
County Executive	Date
_____	_____
Clerk of Council	Date

First Reading/Referred to Committee: June 12, 2012
Committee(s) Assigned: Committee of the Whole

Journal _____
_____, 2012