

County Council of Cuyahoga County, Ohio

Ordinance No. O2013-0022

Sponsored by: Council President Connally	An Ordinance establishing a Cuyahoga County Monument Commission, and declaring the necessity that this Ordinance become immediately effective.
---	---

WHEREAS, Article II, Section 2.03(2) empowers the County Executive to create commissions and appoint members of such commissions, subject to confirmation by County Council; and,

WHEREAS, the County Council deems a Cuyahoga County Monument Commission necessary to preserve and honor historical occurrences and significant individuals for the purpose of promoting a diverse and representative cultural environment for and on behalf of citizens and visitors of Cuyahoga County; and,

WHEREAS, it is necessary that this Ordinance 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 Commission.

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

SECTION 1: CHAPTER 206 of the Cuyahoga County Code, which provides for county commissions, is hereby amended to add a new section 206.10 as follows:

SECTION 206.10: COUNTY MONUMENT COMMISSION

A. Cuyahoga County Monument Commission Established.

(1) To encourage and promote a diverse and representative cultural environment for and on behalf of the citizens and visitors of Cuyahoga County through appropriate memorialization of significant persons, communities, and historic events, as well as to provide the opportunity to further enrich such citizenry through public monuments, the Cuyahoga County Monument Commission is hereby established.

B. Definitions. As used in this section:

(1) "Monument" shall mean any statuary, sculpture, fountain, garden, mural, nameplate, marker, park land, works of art, and other symbolic forms of public art erected to commemorate famous or notable persons, communities or historic events;

- (2) “Person(s)” shall mean an individual, corporation, business trust, estate, trust, partnership, limited liability company, association, joint venture, governmental agency, public corporation, or other legal or commercial entity;
- (3) “Donation” shall mean any monument or any monetary amount designated for the construction and maintenance of a monument;
- (4) “Loan” shall mean a deposit of property that is not accompanied by a transfer of title to the property;
- (5) “Ordinary Expenses” shall mean costs associated with operations, maintenance, and minor repairs of a monument;

C. Purpose of Monument Commission.

- (1) The purpose of the Monument Commission is to ensure that if new Monuments are erected on Cuyahoga County property, and that when existing Monuments are restored, renovated, enhanced, and/or repaired, such actions shall be taken in accordance with rules and procedures established by the Commission. The Commission reviews all proposals for new Monuments to be erected and existing Monuments to be restored, renovated, enhanced and/or repaired in accordance with rules and procedures established by the Commission.

D. Composition and Qualifications of Monument Commission Members.

- (1) The Monument Commission shall be composed of seven voting members, each of whom shall be an elector of Cuyahoga County.
- (2) The Commission shall include a representative of the County Planning Commission, a representative of the County Department of Public Works, and a member of the County Council to be determined by the President. The remaining four positions on the Commission shall be individuals who have demonstrated a significant interest in studying the arts or local history.
- (3) The Commission shall designate a chairperson, and other necessary officers, by a majority vote.

E. Appointment Process.

- (1) Other than the member of Council, each Commission member shall be appointed by the County Executive and confirmed by the County Council.

F. Commission Member Terms.

- (1) The term of office for each Commission member shall be three years.
- (2) Terms of office for other than the Council member, shall commence upon the date specified in the motion proposing confirmation by Council.

- (3) Of the initial terms for Commission membership, four members shall be appointed to full terms and three members shall be appointed to half terms.
- (4) Commission membership shall be a non-compensated position, but members shall be entitled to reimbursement for reasonable expenses in connection with Commission duties.

G. Commission Member Resignation.

- (1) If a Commission member, other than a Council member, should resign, the County Executive shall appoint, subject to the approval of County Council, a replacement Commission member to fulfill the remainder of the vacated term.

H. Monument Commission Rules.

The Commission shall be responsible for establishing rules and procedures governing Cuyahoga County Monuments. Such rules shall include guidelines, criteria, and procedures for considering monument proposals, approval of monument designs and locations, acceptance of monuments and donations, whether as gifts or loans, financial responsibility, insurance, and other costs. The Commission shall include any other rules it deems necessary for carrying out its purposes.

I. Approval of Monument Designs.

In approving Monument design, the Commission shall establish standard criteria which shall include, but not be limited to, size, safety, suitability, and sustainability.

J. Approval of Monument Locations.

In approving Monument locations, the Commission shall establish standard criteria which shall include, but not be limited to, safety, space constraints, pedestrian and traffic flow, and historical significance of the site.

K. Requirement of Necessary Permitting and Permissions.

Unless otherwise negotiated, the donor(s) of or applicants for a monument, whether new or renovated or repaired, are solely responsible for obtaining all necessary permits from the requisite County Departments and other governmental entities and to coordinate with the requisite entity to ensure that no utilities are damaged during installation and/or repairs.

L. Donations.

- (1) The County may accept donations upon a vote of the Commission.
- (2) When a Monument is donated to the County, the donor must provide all funds for the planning, installation, and other incidental

expenses of the monument unless otherwise negotiated prior to acceptance.

M. Loaning a Monument.

- (1) The County may accept a Monument on loan upon a vote of the Commission.
- (2) The County may accept Monuments on loan from a person, but, prior to acceptance, the County shall negotiate all financial outlays for the cost of planning, installation, maintenance, and removal.

N. Financial Liability for Monuments – Unless otherwise negotiated, the lender of a Monument shall provide full insurance for the Monument. Unless otherwise negotiated, the donor of a Monument shall provide funds sufficient for upkeep and to obtain the proper insurance coverage for a time to be determined by the Commission. In the event that a Monument is destroyed, rendered irreparable, or financially impracticable to replace, the Commission shall make all determinations in regards to replacement, movement, or closure of the Monument.

SECTION 2: It is necessary that this Ordinance become immediately effective for the operation of the County and the reasons set forth in the preamble. Provided that this Ordinance receives the affirmative vote of at least eight members of the 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 3: It is found and determined that all formal actions of this Council relating to the adoption of this Ordinance 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 Mr. Jones, seconded by Mr. Schron, the foregoing Ordinance was duly enacted.

Yeas: Gallagher, Schron, Conwell, Jones, Rogers, Simon, Miller, Brady, Germana and Connally

Nays: None

County Council President

Date

County Executive

Date

Clerk of Council

Date

First Reading/Referred to Committee: September 10, 2013
Committee(s) Assigned: Public Works, Procurement & Contracting

Journal CC012
November 26, 2013