

County Council of Cuyahoga County, Ohio

Ordinance No. O2015-0002

Sponsored by: Councilmember Miller	An Ordinance amending Section 206.06 of the Cuyahoga County Code to update the operating rules of the Charter Review Commission.
Co-sponsored by: Councilmember Conwell	

WHEREAS, Article XII, Section 12.09 of the Charter provides that in 2017, and at intervals of ten years thereafter, the County Executive shall, before the first day of June, appoint a Charter Review Commission to formulate and propose charter amendments to the Council as it shall deem appropriate; and

WHEREAS, Article XII, Section 12.09 of the Charter states that “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;” and,

WHEREAS, in 2012 Council established rules for the initial Charter Review Commission by enacting Ordinance No. O2012-0003, now codified as Chapter 206.06 of the Cuyahoga County Code; and,

WHEREAS, in 2013 the initial Charter Review Commission was dissolved after making its recommendations to County Council in 2013; and,

WHEREAS, In November 2014, the voters of Cuyahoga County approved an amendment to Article XII, Section 12.09 of the Charter to accelerate the timeline of appointment and confirmation of the Charter Review Commission; and,

WHEREAS, the Council has determined to amend the rules of the Charter Review Commission to comply with the Charter requirements adopted in 2014, and to provide greater flexibility in how the Charter Review Commission conducts its business; and

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

SECTION 1. Section 206.06 of the Cuyahoga County Code is hereby amended as follows (additions are marked in bold and underline, deletions are struck-through):

Section 206.06: Charter Review Commission

Pursuant to Article 12, Section ~~12.09~~ of the Cuyahoga County Charter, the rules and

procedures for the operation of the Charter Review Commission in Cuyahoga County are established as follows:

ARTICLE 1: STAFF SUPPORT

Rule 1A: Designation of Clerk

No later than September ~~15th~~1st of each year in which a Charter Review Commission is appointed, the County Executive shall designate a County employee to serve as Clerk to the Charter Review Commission.

Rule 1B: Duties of the Clerk

The duties of the Clerk of the Charter Review Commission shall be as follows:

- A. Attend all meetings of the Charter Review Commission and its committees, determine quorums, keep minutes of all meetings, record the votes of all members, and send copies of the minutes of all meetings to all members of the Commission;
- B. Assist the Chairperson in the preparation of the Agenda for Commission Meetings;
- C. Provide required notices of meetings;
- D. Ensure that a page is created and maintained on the County's website for the Charter Review Commission, which shall include the notice and agenda of each meeting of the Commission or any of its committees, the minutes of all meetings of the Commission and its committees, a copy of all proposed Charter amendments, draft reports and final reports of the Commission and its committees; a copy of these rules, and any other items that the Chairperson, the Clerk, or the Commission deem appropriate;
- E. Serve as the Public Records Manager for the Commission until the Commission completes its work;
- F. Transmit the final report of the Charter Review Commission to the County Council;
- G. Perform any other duties that are prescribed in these rules or that the Chairperson or the Commission determines are necessary for the performance of the Commission's duties.

Rule 1C: Additional Staff Services

The County Executive shall provide the Charter Review Commission sufficient additional staff services needed to effectively perform its duties, including, but not limited to working space, office supplies, and information technology support.

In the absence of the Clerk, the County Executive shall designate a Clerk Pro-Tem to perform the duties of the Clerk.

ARTICLE 2: ORGANIZATION; OFFICERS

Rule 2A: Vacancy

If a resignation or vacancy occurs within the Commission, a new appointment shall be made and confirmed as soon as is practical, using the appointment process provided for in Article 12, Section 9, of the Cuyahoga County Charter.

Rule 2B: Officers of the Commission; Terms

The officers of the Charter Review Commission shall consist of the Chairperson and Vice Chairperson, who shall serve terms equal to the duration of the current Charter Review Commission.

Rule 2C: Organizational Meeting

No later than ~~October~~September 15th of each year in which a Charter Review Commission is appointed, the Clerk shall call an Organizational Meeting of the Charter Review Commission, at which time the Commission shall elect one of its members as Chairperson and one other member as Vice Chairperson. The Commission may, by parliamentary motion, add additional items to the agenda for the Organizational Meeting.

Rule 2D: Clerk's Role at Organizational Meeting

The Clerk shall preside over the Organizational Meeting until the Chairperson is chosen, after which the Chairperson shall preside over the remainder of the Organizational Meeting.

Rule 2E: Election of Officers

The Chairperson and Vice Chairperson shall be elected at the Organizational Meeting. The election for Chairperson shall take place first, followed by the election for Vice Chairperson. A minimum of five (5) votes shall be required for election to either position.

Rule 2F: Duties of the Chairperson of the Charter Review Commission

The Chairperson shall preside at all meetings of the Commission, appoint the officers and members of all committees, set the agenda for meetings of the Commission, ~~design~~ and implement the public participation process, and perform all other duties, consistent with the Cuyahoga County Charter and these rules, that are necessary to lead the Commission in completing its duties.

Rule 2G: Duties of the Vice Chairperson of the Charter Review Commission

The Vice Chairperson shall preside in the absence or disability of the Chairperson at all meetings of the Charter Review Commission, shall perform all the duties of the Chairperson during such absence or disability, and shall perform all other duties, consistent with the Cuyahoga County Charter and these rules, that are necessary to assist the Chairperson in the performance of his/her duties. The Vice Chairperson shall make best efforts to attend all meetings of the Commission in order to be available to perform his/her duties.

Rule 2H: Officer Vacancy

If a vacancy occurs in the office of Chairperson, the Vice Chairperson shall become Chairperson. If a vacancy occurs in the office of Vice Chairperson, either by succession to Chairperson or for any other reason, the Chairperson shall conduct an election for Vice Chairperson at the next meeting of the Commission, using the procedure set forth in Rule 2E.

Rule 2I: Absence or Disability of Chairperson and Vice Chairperson

In the absence or disability of both the ~~President~~ **Chairperson** and the ~~Vice-President~~ **Vice Chairperson**, the Clerk shall conduct an election for Chairperson Pro-Tem, using the procedure set forth in Rule 3D, except that a majority of those voting shall be sufficient for election.

Rule 2J: Commission Officers Entitled to Vote

The Chairperson and the Vice Chairperson shall be entitled to vote on all matters.

ARTICLE 3: QUORUM

Rule 3A: Quorum Defined

A quorum of the Charter Review Commission shall consist of five (5) members, and a quorum of a committee shall consist of a majority of its members.

Rule 3B: Clerk to Determine Quorum

The Clerk shall determine the presence of a quorum by roll call at the beginning of each meeting of the Commission or a committee, shall announce when a quorum is present, and shall keep a record of members present.

Rule 3C: Absence of Quorum

Whenever a quorum is not present, the Commission or a committee may not conduct any business until a quorum is restored, except to adjourn, to adjourn to a future date and time, or take any other action permitted in the absence of a quorum, as provided in Robert's Rules of Order, Newly Revised.

ARTICLE 4: MEETINGS

Rule 4A: Commission to Meet at Least Monthly

The Commission shall meet at least once every calendar month until its final report is presented to County Council.

Rule 4B: Regular Meetings

Prior to the conclusion of the Organizational Meeting, **the Chairperson, with the assistance of the Commission, shall determine and announce the date, place, and time of Regular Meetings of the Commission to be held in September or October, providing at least three (3) days' notice before the first meeting. Starting in October, the Chairperson, with the assistance of the Commission, shall, during any meeting before the end of that month, determine and announce the date, place, and time of Regular Meetings of the Commission to be held during the following month, providing at least three (3) days' notice before the first meeting.** and each Regular Meeting, the Chairperson shall announce the date, place, and time of the next Regular Meeting of the Commission, providing at least seven (7) days' notice. As soon as is practical after ~~this~~**each** such announcement is made, the Clerk shall post the same information regarding the meetings on the Commission's webpage and disseminate it to the local news media, and the Clerk of County Council shall post it on the County Council's webpage. The agenda for ~~the~~**each** meeting shall be included in the original posting, if available, but may be posted and disseminated later, provided that at least twenty-four (24) hours' notice is given.

Rule 4C: Change in Time or Place of Regular Meeting

If compelling circumstances require such action, the Chairperson may change the date, time, and/or place of any Regular Meeting, provided that at least three (3) days' notice is given, using the same notification processes provided for in Rule 4B.

Rule 4D: Special Meeting

The Chairperson or any four (4) members of the Commission may call a Special Meeting of the Commission, provided that the date, place, time, and agenda of the meeting are posted and disseminated as provided for in Rule 4B with at least three (3) days' notice. Only items on the agenda may be discussed at a Special Meeting.

Rule 4E: Notice Required for Meeting to be Continued at a Later Time

The Commission may adjourn any meeting of the Commission to a designated day, time, and place. Notice of the day, time, and place at which the meeting is to be continued shall be given to all members and posted and disseminated as provided for in Rule 4B with at least three (3) days' notice, unless the meeting is

to be continued at a time sooner than three (3) days, in which case notice shall be given as soon as is practical after the announcement.

Rule 4F: Agenda for Commission Meetings

The Chairperson, with the assistance of the Clerk, shall set the agenda for all meetings of the Commission.

Rule 4G: Digital Record

All meetings of the Commission and its committees shall be audiotaped and/or videotaped, and these recordings shall be preserved by the Clerk as public records.

ARTICLE 5: ORDER OF BUSINESS

Rule 5A: Order of Business

The Commission may use the following as the regular order of business for Commission meetings or may adopt its own:

- A. Call to Order
- B. Roll Call
- C. Public Comment
- D. Approval of Minutes
- E. Introduction of Proposed Charter Amendments
- F. Committee Reports
- G. Old Business
- H. New Business
- I. Announcements & Miscellaneous Business
- J. Adjourn

ARTICLE 6: COMMISSION WORK PRODUCT

Rule 6A: Final Report; Deadline for Submission

The final report of the Commission shall include all proposed amendments to the Cuyahoga County Charter, a discussion of the rationale for the proposed amendments, and a summary of the Commission's activities, and may include procedural recommendations relating to matters such as the timing of submission

of proposed amendments. The final report shall be submitted to County Council as a single document no later than the first day of July following appointment of the Commission. The Commission may, at its discretion, submit preliminary reports prior to the final report and/or submit addendums or revisions to the final report subsequent to its submission.

Rule 6B: Form of Submission of Proposed Charter Amendments

Proposed amendments to the County Charter shall relate only to one subject, but may affect more than one section of the Charter. All proposed amendments shall be submitted in the following form:

- A. General subject of the amendment
- B. Section(s) of the County Charter affected
- C. Current language of sections affected
- D. Intended effect and rationale of amendment
- E. Exact language of the amendment, showing what language, if any, is to be deleted and what language, if any, is to be added.

Rule 6C: Vote Required for Approval of Charter Amendments

A proposed Charter amendment must be voted upon separately and receive the affirmative vote of at least five (5) members of the Commission to be included in the main body of the final report.

Rule 6D: Minority Reports

The final report shall provide an appendix of minority reports, presenting proposed Charter amendments supported by less than a majority of the Commission. A proposed Charter amendment not approved to be included in the main body of the report shall be included in the appendix for minority reports if any two or more members sign a statement supporting the amendment and requesting its inclusion as a minority report. The supporters of a minority report may include a brief discussion of the rationale for the proposed amendment. The discussion may be edited for accuracy by the full Commission.

~~Rule 6E: Issues Related to Indigent Defense and the Public Defender to be Considered~~

~~In accordance with Article 12, Section 9 of the County Charter, the 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 Commission shall include a report on these deliberations within the summary of the Commission's activities in the final report.~~

ARTICLE 7: PARLIAMENTARY PROCEDURE

Rule 7A: Procedural Rules Apply to Commission and its Committees

The procedural rules provided for in this article apply both to the Commission and to any of its committees, unless otherwise specified.

Rule 7B: Parliamentary Procedure Manual

The parliamentary guide for procedural issues not covered in these rules shall be Robert's Rules of Order, Newly Revised.

Rule 7C: Chairperson to Direct Meetings

All discussion in the Commission and any of its committees shall go through the Chairperson of the Commission or of the committee, respectively. The Chairperson shall control the order of speakers and shall put motions offered by members before the Commission or the committee for consideration and action.

Rule 7D: Parliamentary Motions

Parliamentary motions shall be used as provided in Rules 9E, 9F, 9G, and 9I of the Rules of Cuyahoga County Council.

Rule 7E: Vote Required for Approval

A motion to approve the Commission's final report, a proposed committee report, or a proposed amendment to the County Charter shall require a minimum of five (5) votes in the full Commission and a majority of all members of a committee. All other motions shall require a majority of those present and voting, provided that a quorum is present, unless otherwise specified in these rules.

Rule 7F: Voting Procedure

A motion to approve the Commission's final report, a committee's report, or a proposed amendment to the County Charter shall be done by roll call vote. Voting on all other matters may be done by voice vote, but the Chairperson shall insure that the Clerk is able to record the vote of every member on all matters.

Rule 7G: Amendments

All proposed amendments to a proposed charter amendment or a Commission or committee report shall be in written form, except that the Chairperson of the Commission or a committee may accept a verbal amendment that is clear, unambiguous, and may be presented in a single sentence or a few words. An

amendment to a proposed charter amendment that is approved in committee does not need to be approved again by the full Commission.

Rule 7H: Duty to Vote; Recusal

Members shall vote on every question in the Commission or in committee, except when the member has recused him/herself, **and except that a member may abstain from voting on a question related to the approval of minutes of a meeting at which the member was absent.** A member shall recuse him/herself from voting whenever the member has a personal or monetary interest in any matter under consideration or when voting on the matter could for any reason violate state or county ethics law.

Rule 7I: Change of Vote

Prior to the announcement of the vote on any question in the Commission or in committee, any member may request to change his/her vote, and such request shall be approved by the Chairperson, except for good cause; however, no member shall be permitted to change his/her vote after the result of the vote has been declared.

ARTICLE 8: COMMITTEES

Rule 8A: Committee Structure

~~The Commission shall create four (4) committees of three (3) or more members each as follows:~~ **The commission may use a committee structure such as the following, with proposals to create new Articles in the County Charter referred to the most appropriate committee, as determined by the Chairperson of the Commission:**

- A. Governmental, covering the Preamble and Articles 1 through 3 of the County Charter.
- B. Administrative/Judicial, covering Articles 4 through 6 of the County Charter
- C. Policy, covering Articles 7 through 10 of the County Charter
- D. General Provisions, covering Articles 11 through ~~13~~**14** and the Appendix of the County Charter

~~The Administrative/Judicial Committee shall also consider issues related to indigent defense and the selection of the Public Defender and adequate support and funding for the operation of the office of the Public Defender.~~

~~Proposals to create new Articles in the County Charter shall be considered in whichever committee most closely covers the subject(s) of the proposed new Articles, as determined by the Chairperson.~~

~~The Commission may amend the above committee structure as provided in Rule 10A, except that confirmation by County Council is not required.~~

The Commission may also adopt a different committee structure or operate without committees, but any committee created shall be comprised of at least three (3) members.

Rule 8B: Chairperson of the Commission to Appoint Officers and Members of Committees

~~No later than two (2) weeks after the Organizational Meeting, the Chairperson of the Commission shall appoint the Chairperson, Vice Chairperson, and members of each committee.~~

The Chairperson of the Commission shall appoint the Chairperson, Vice Chairperson, and members of each committee, but any subsequent changes to the leadership or composition of a committee shall require the approval of a majority of all members of the Commission.

Rule 8C: Committee Work Product

~~The Work Product of each committee shall consist of a single document, providing a draft of the Commission's final report pertaining to the sections of the County Charter under the committee's jurisdiction, prepared in the form provided for in Article 6 of these rules. To be included in the main body of the committee's report, a proposed charter amendment must be voted upon separately by the committee and receive the affirmative vote of a majority of all members of the committee.~~

Rule 8D: Deadline for Submission of Committee Reports

~~Each committee shall submit its report to the Commission at a meeting of the Commission held no later than the first day of April following formation of the Charter Review Commission.~~

Rule 8E: Participation of Members at Committee Meetings

Any member may be seated at the committee table and participate in all discussions, whether or not that member has been appointed to that committee; however, only members appointed to a committee may offer motions or vote on questions before that committee.

Rule 8FD: Public Notice of Committee Meetings

Rules 4B through 4F shall also apply to committee meetings, except ~~that the minimum notice for regular committee meetings shall be three (3) days, and~~ **that** the Chairperson of each committee shall set the committee's agenda and have the sole authority to call a special meeting of the committee.

Rule 8GE: Work Sessions

The Commission or a committee may conduct work sessions, following the process provided for in Rule 13 of the Rules of Cuyahoga County Council.

ARTICLE 9: OPEN MEETINGS PROCEDURE

Rule 9A: Open Meetings, Public Comment

All meetings of the Commission or any of its committees shall be open to the public, be conducted only after prior public notice, include time for public comment, and comply with all other provisions of Article 12, Section 5 of the County Charter, Chapter 105 of the Cuyahoga County Code, and Ohio Revised Code Section 121.22 regarding the open public meetings.

Rule 9B: Minutes

The Clerk shall keep minutes of all meetings of the Commission and any of its committees and shall post the draft minutes on the Commission's webpage, subject to Commission or committee approval, as soon as is practical following each meeting, but in no case later than seven (7) days after the meeting. The Commission and each committee shall consider at each meeting the question of the approval of minutes from the previous meeting.

Rule 9C: Availability of Public Records

All records of the Commission or any of its committees that relate to public business shall be available to the public as public records as required in Article 12, Section 6 of the County Charter, Chapter 106 of the Cuyahoga County Code, and Ohio Revised Code Section 149.43. The Clerk shall serve as Public Records Manager for the duration of the Commission, after which the Clerk of County Council shall perform this role.

Rule 9D: Filming, Taping, and Recording

Any person may film, tape, or record any meeting of the Commission or any of its committees, provided that the filming, taping, or recording is done in a manner that does not significantly interfere with the conduct of the meeting. Anyone who wishes to film, tape, or record any meeting of the Commission or any of its committees is requested to **notify the Clerk prior to the start of the meeting.** ~~register in advance with the Clerk on a form to be provided for this~~

~~purpose. The Clerk shall set up a process for those who wish to film, tape, or record on a regular basis to provide a single registration, which shall be effective for the duration of the Commission.~~

Rule 9E: Decorum

The Chairperson, with the approval of the Commission, may establish rules to insure decorum at meetings, including but not limited to rules relating to the respectful presence of the public and the use of audible communication devices.

Rule 9F: Public Participation Process

Not later than the 15th day of ~~November~~**October** following formation of the Charter Review Commission, the Chairperson shall prepare and begin implementation of a comprehensive public participation plan, including, but not limited to the following:

- A. Public hearings held at various locations throughout the county, conducted as part of both the committee phase and the full Commission's consideration of the committee reports;
- B. Widest possible dissemination of proposed Charter amendments and draft reports in both written and electronic form combined with processes for receiving public input concerning them; and
- C. Regularly updated availability on the Commission's webpage of the current form of all proposed Charter amendments and draft Commission and committee reports.

Rule 9G: Charter Amendment Proposals to be Available on Website

The Clerk shall ensure that the Commission's page on the County's website contains all proposed Charter amendments that have been submitted to the Commission. A proposed amendment shall be in the form provided for in Rule 6B to be included on the website. If a proposed amendment is substantively changed, both the original and revised versions shall be included.

Proposed Charter amendments may be submitted to the Commission by any member of the Commission at any Commission meeting or at any committee meeting which covers the subject of the proposed amendment.

Proposed amendments may also be submitted to the Commission by any member of the public by letter to the Clerk or by presentation at any meeting of the Commission or of the committee which covers the subject of the proposed amendment.

ARTICLE 10: AMENDMENT AND SUSPENSION OF RULES

Rule 10A: Amendment of Rules

~~Except as provided in Rule 8A, t~~These rules may be amended with the approval of five (5) or more members of the Commission and confirmation by majority vote of County Council. A proposed amendment to these rules may be voted on at the same meeting of the Commission at which it is introduced only if the text of the proposed amendment is included in the published agenda for the meeting. As soon as is practical following approval of a proposed rules amendment by the Commission, the Clerk shall notify the Clerk of County Council by letter of the amendment. The notification may be in electronic format. If County Council does not act on the proposed amendment within fourteen (14) days after the Clerk of County Council is notified of the amendment approved by the Commission, then the amendment shall be deemed confirmed. **Any amendment adopted under this rule shall apply only to the Commission at which it was adopted.**

Rule 10B: Suspension of Rules

Any of these rules may be suspended by a vote of 2/3 of those present and voting at the applicable meeting of the Commission or any of its committees, provided that a quorum is present, and that the action taken is in compliance with the Constitution and general law of the State of Ohio and the Charter, ordinances, and resolutions of Cuyahoga County.

SECTION 2. It is found and determined that all formal actions of this Council concerning and 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. Miller, seconded by Mr. Brady, the foregoing Ordinance was duly enacted.

Yeas: Miller, Gallagher, Schron, Conwell, Jones, Hairston, Simon, Greenspan and Brady

Nays: None

County Council President

Date

County Executive

Date

Clerk of Council

Date

First Reading/Referred to Committee: January 13, 2015

Committee(s) Assigned: Council Operations & Intergovernmental Relations

Additional Sponsorship Requested: January 9, 2015

Committee Report/Second Reading: February 24, 2015

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