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**COUNTY OF SUMMIT**  
**2008-09**  
**Charter Review Commission**  
**Final Report**

**July 30, 2009**

**Charter Review Commission Members**

David C. Luff  
Chairperson

Gary Dellapa  
Vice-Chairperson

Richard E. Dobbins

Louise Heydorn

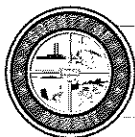
Maher Holozadah

Donna M. Neff

J. Edward Pierce

Bernett L. Williams

Diana Zaleski



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**COUNTY OF SUMMIT**  
**THE HIGH POINT OF OHIO**  
RUSSELL M. PRY, EXECUTIVE

**FINAL REPORT OF THE COUNTY OF SUMMIT  
CHARTER REVIEW COMMISSION**

**July 30, 2009**

**David C. Luff  
Chairperson**

**Gary Dellapa  
Vice-Chairperson**

**Richard E. Dobbins**

**Louise Heydorn**

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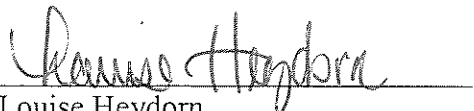
**Diana Zaleski**

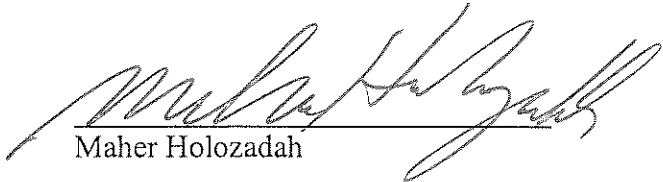
We, the undersigned members of the County of Summit Charter Review Commission, do hereby state that the attached proposed amendments to the County of Summit Charter are amendments which were discussed and voted upon during Charter Review meetings open to the public pursuant to Section 5.03 of the Charter.

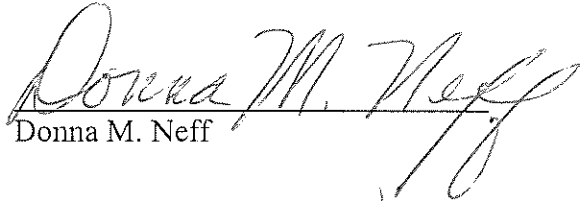
  
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David C. Luff  
Chairperson

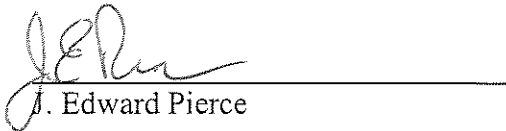
  
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Gary Dellapa  
Vice-Chairperson

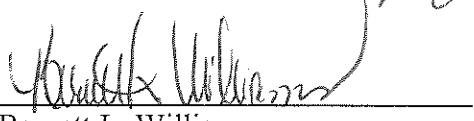
  
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Bennett L. Williams

  
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Diana Zaleski

# CHARTER REVIEW COMMISSION

## SUMMARY OF REVISIONS

Section	Substance of Section	Revision, if any
<b>ARTICLE I</b>	<b>CORPORATE POWERS, RIGHTS AND PRIVILEGES</b>	
1.01	Names, Boundaries and Powers	No Change
1.02	Powers Limited	No Change
<b>ARTICLE II</b>	<b>THE COUNTY EXECUTIVE</b>	
2.01	Elected County Executive	No Change
2.02	Compensation	No Change
2.03	Powers and Duties	Amended to grant the powers and duties prescribed in Section 4.05 of the Charter to the County Executive in 2013
2.04	Investigations by County Executive	No Change
<b>ARTICLE III</b>	<b>THE COUNTY COUNCIL</b>	
3.01.1	Election	No Change
3.01.2	Term of Office	No Change
3.01.3	Residency Requirement	No Change
3.01.4	Apportionment	No Change
3.01.5	Vacancy; At-Large Council Members	No Change
3.01.5(A)	Vacancy; District Council Members	No Change
3.01.5(B)	Vacancy; No Party Affiliation	No Change
3.01.5(C)	Vacancy; Length of Appointment	No Change

<b>Section</b>	<b>Substance of Section</b>	<b>Revision, if any</b>
3.02	Salary	No Change
3.03	Powers and Duties of County Council	No Change
3.04	Organization, Rules and Procedures	Amended to state that Council shall organize on the first Monday of each year which is not a legal holiday
3.05	Initiative and Referendum	No Change
3.06	Investigations by Council	No Change
<b>ARTICLE IV ELECTED OFFICE HOLDERS</b>		
4.01	County Elected Office Holders	No Change
4.02	(Reserved)	No Change
4.03	Medical Examiner; Appointment, Powers and Duties	No Change
4.04	Medical Examiner; Qualifications	No Change
4.05	<u>New section</u> – Consolidation and Reallocation of Powers and Duties of County Engineer	New section enacted to abolish the elected office of County Engineer in 2013 and transfer powers and duties to the County Executive
<b>ARTICLE V GENERAL PROVISIONS</b>		
5.01	Effective Date of Charter	No Change
5.01.2	Oath of Office	No Change
5.01.3	Removal of Elected Officials by Recall	No Change
5.02	Vacancies	No Change
5.03	Meetings of Governmental Bodies to be Public	No Change

<b>Section</b>	<b>Substance of Section</b>	<b>Revision, if any</b>
5.04	Records of Governmental Bodies to be Public	No Change
5.05	Charter Review Commission	No Change
5.06	Charter Amendments	No Change
5.07	Equal Opportunity	No Change
5.08	Miscellaneous Duties	No Change
5.09	Rearrangement, Reprinting of, and Correction of Typographical Errors in, Charter	No Change
5.10	Fairness in County Employment	No Change
<b>ARTICLE VI</b>	<b>HUMAN RESOURCES</b>	
6.01	Human Resource Commission	No Change
6.02	Department of Human Resources	No Change
6.03	Appointing Authority	No Change
6.04	Classification	No Change
6.05	Authority of Human Resource Commission	No Change
6.06	Effective Date	No Change
<b>ARTICLE VII</b>	<b>PURCHASING</b>	
7.01	Department of Purchasing	No Change
<b>ARTICLE VIII</b>	<b>(RESERVED)</b>	No Change
<b>ARTICLE IX</b>	<b>PUBLIC INFORMATION</b>	No Change
9.01	Department of Public Information; Powers and Duties	No Change

<b>Section</b>	<b>Substance of Section</b>	<b>Revision, if any</b>
9.02	Public Information Commission	No Change
<b>ARTICLE X</b>	<b>COUNTY INTERNAL AUDITING</b>	
10.01	County Audit Committee	Amended to restate the services provided by the Internal Audit Department
10.02	Department of Internal Auditing; Qualifications	Amended to clarify the name of the Internal Audit Department
10.03	Director of Internal Auditing; Qualifications	Amended to clarify the name of the Department
10.04	Authority of Department of Internal Auditing	Amended to clarify the name of the Department, to state the standards followed when audits are performed and to revise the audit services and the reports provided
10.05	Effective Date	No Change

**Council's Organization Meeting to be First Monday  
of Each Year that is not a Legal Holiday**

The current version of Section 3.04 of the County of Summit Charter requires that County Council organize on the first day of each year, which is not a Saturday, Sunday or legal holiday, and elect one of its members a President and one other member as Vice-President for terms of one year.

The Commission heard testimony from Pete Crossland, County Council Member, who proposed that Section 3.04 be amended to: (1) provide that Council's organizational meeting will be held each year on the first Monday that is not a legal holiday; and (2) provide that the President and Vice President of Council shall be elected to two year terms instead of one year terms. The Commission does not recommend that Section 3.04 be amended to change the terms of the President and Vice-President of Council. The Commission recommends, by an 8-0 vote, that Article III, Section 3.04 be amended to provide that Council's organizational meeting will be held each year on the first Monday that is not a legal holiday, as shown in Table 1:

<p><b>Table 1</b> <b><i>Amendment of current Section 3.04:</i></b> <b>SECTION 3.04 ORGANIZATION, RULES AND PROCEDURES.</b></p> <p>On the first day <u>Monday</u> of each year which is not a <del>Saturday, Sunday</del> or legal holiday, the County Council shall organize by electing one of its members as President and one other member as Vice-President for terms of one year. The President shall preside at all meetings of the County Council. The Vice President shall preside in case of the absence or disability of the President. The presiding officer shall be entitled to vote on all matters.</p> <p>The County Council shall determine its own rules and order of business. The Clerk of Council shall keep and make available for public inspection at all reasonable times a record of proceedings of the County Council in which the vote of each member voting on an ordinance or resolution shall be recorded.</p> <p>All legislative action shall be by resolution or ordinance introduced in written or printed form. Each resolution and ordinance shall contain no more than one subject which shall be clearly expressed in its title.</p> <p>No ordinance or resolution shall be passed until it has been read, which may be by title only, at three different regular County Council meetings or the requirement of three readings has been dispensed with by a vote of at least two-thirds of the members of the County Council.</p> <p>No action of the County Council shall be valid or binding unless adopted by the affirmative vote of at least a majority of the members of the County Council. Each 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.</p> <p>If the County Executive approves such measure, it shall be signed and returned to the Clerk of Council within ten days after its adoption, but if not, the County Executive shall return it to the County Council within said ten days with the written objections, which objections shall be entered in full in the record of proceedings of the County Council. The County Executive may approve or disapprove the whole or any item of an ordinance or resolution appropriating money, but otherwise the approval or disapproval shall be addressed to the entire ordinance or resolution. If such measure is not returned within said ten-day period, it shall take effect in the same manner as if the County Executive had signed it.</p> <p>When the County Executive has disapproved an ordinance or resolution, or a part or item thereof as herein provided, the County Council shall, not later than its second regular meeting thereafter, proceed to reconsider it, and if upon reconsideration the measure is approved by at least two-thirds of the members of County Council, it shall then take effect as if it had received the approval of the County Executive.</p> <p>Each ordinance or resolution shall take effect in the manner and at the time provided by general law for ordinances or resolution of cities. Each emergency measure shall take effect, unless a later time is specified therein, upon its signature by the County Executive, or upon the expiration of the time within which it may be disapproved, or upon its passage after disapproval by the County Executive, as the case may be, shall contain a statement of the necessity for such emergency action and shall require the affirmative vote of at least two-thirds of the members of the County Council for enactment.</p>
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**Consolidation and Reallocation of Powers  
and Duties of County Engineer**

The Commission heard testimony from Jason Dodson, the Chief of Staff for County Executive Russell M. Pry in favor of the abolishment of the office of County Engineer and consolidation and reallocation of the Engineer's powers and duties to the Executive effective January 1, 2017. The Commission also heard testimony from Alan Brubaker, the County Engineer, Jim Nelson, Bath Township Trustee and President of the Township Association and Rose Mary Snell, Sagamore Hills Township Trustee, in opposition to the proposed changes and received letters from Gene Esser, a former Engineer and Mr. Nelson also in opposition to the proposed changes

The Commission has carefully considered all of the testimony and agrees that the changes proposed by the Executive will: (1) result in a more efficient and less costly County government through the elimination of duplicative positions and services; (2) will direct more Motor Vehicle and Gas Tax and Department of Environmental Services sewer fund dollars towards engineering projects and services rather than salaries and benefits; and (3) will ensure a smoother and more comprehensive delivery of services to constituents and businesses, including economic development projects. The Commission disagrees however, with the timing of the changes proposed by the Executive. The Commission recommends that proposed changes should be made as soon as possible, on January 1, 2013, at the end of the current Engineer's term, rather than January 1, 2017, in order to capitalize on the benefits as soon as possible. The Commission recommends, by a 5-3 vote, that Article IV, Section 4.05 and Article II, Section 2.03 of the Charter be amended as shown in Tables 2 and 3:

**Table 2**

*Amending current Article IV, Section 4.05:*

ARTICLE IV  
ELECTED OFFICE HOLDERS

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**SECTION 4.05 CONSOLIDATION AND REALLOCATION OF POWERS AND DUTIES  
OF COUNTY ENGINEER.**

Effective upon a vacancy or as of January 1, 2013, whichever is earlier, the elective office of Engineer is abolished, and no election for such office shall be held at the 2012 general election in the County. Thereafter, all powers now or hereafter vested in and all duties now or hereafter imposed upon county engineers by general law shall be exercised and carried out by the County Executive, in addition to such powers and duties established by County Council that are not inconsistent with those provided by general law.

The County Executive shall employ a sufficient number of (i) registered professional engineers and (ii) registered professional surveyors, all of which must be licensed to practice in this State of Ohio, as are necessary to perform and undertake the powers and duties of county engineers as set forth in the general law, and such additional powers and duties as established by County Council that are not inconsistent with those provided by general law.

Effective January 1, 2013, all references in this Charter to the office of County Engineer shall be deleted.

**Table 3**

*Amending current Article II, Section 2.03:*

**THE COUNTY EXECUTIVE**

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**SECTION 2.03 POWERS AND DUTIES OF THE COUNTY EXECUTIVE.**

The County Executive shall have all the powers and duties of an administrative nature under this Charter and responsibility for the day-to-day running of the departments, offices and agencies of County government under his or her jurisdiction and control. Such powers and duties include, but are not limited to, the following:

(1) To appoint, suspend, discipline and remove all county personnel except those who, as provided by general law, are under the jurisdiction of officers, boards, agencies, commissions and authorities of a county other than the board of county commissioners, and except those who are appointed by the County Council pursuant to Section 3.03 (l) of this Charter.

(2) To appoint officers and members of boards, agencies, commissions and authorities required by general law to be appointed by boards of county commissioners and of such additional boards, commissions, agencies and authorities as may hereafter be created pursuant to this Charter. No such appointment shall be effective until confirmed by the County Council, but if the County Council shall fail to act on an appointment within sixty days, it shall become effective without such approval. The County Executive shall use good faith efforts to reflect the diversity of the people of the County in appointing such officers and members.

(3) To approve or veto any ordinance or resolution as provided in Section 3.04 of this Charter.

(4) To serve, in person or by his delegate, as a member of the County Board of Revision.

(5) To execute contracts, conveyances and evidences of indebtedness on behalf of the County.

(6) To attend meetings of the County Council and take part in the discussion of all matters before County Council.

(7) To introduce ordinances and resolutions for consideration by the County Council and otherwise to make recommendations for actions to be taken by the County.

(8) To submit to the County Council a proposed operating budget for each fiscal year which shall contain at least the following:

(a) A statement of estimated revenues from all sources, including fund balances from the preceding year;

(b) A statement of proposed expenditures, shown by department, office, agency, authority, board and commission, and by activity, character and object and not exceeding estimated revenues for such year;

(c) A schedule of estimated revenues and proposed expenditures for each County department, office, agency, authority, board and commission, on a quarterly or more frequent basis; and

(d) A summary of the contents of the proposed operating budget.

(9) To submit annually to the County Council a capital improvements program which shall contain at least the following:

(a) The capital improvements scheduled for, or proposed to be undertaken within, the current fiscal year, together with the estimated cost of each improvement and the proposed or established method of financing;

(b) The capital improvements proposed for the five years next succeeding the current fiscal year, together with the estimated cost of each improvement and the proposed or established method of financing; and

(c) A summary of the detailed contents of the program.

(d) A five year debt management projection for capital improvements.

(10) To submit a written message to the County Council accompanying the proposed operating budget and capital improvements program explaining the budget both in fiscal terms and in terms of work to be done, outlining the proposed financial policies of the County for the current fiscal year and describing the important features of the budget. The message shall include any proposals for major changes in financial policies and in expenditures, appropriations and revenues as compared with the preceding fiscal year and the reasons for such proposals, and an itemization and explanation of each proposed capital improvement. The operating budget and capital improvements program and accompanying message shall be submitted to the County Council by February 15 of each year.

(11) To conduct collective bargaining regarding uniform wages and compensatory benefits with any recognized employee bargaining unit and administer uniform personnel procedures for all County employees of the County Fiscal Officer, Clerk of the Court of Common Pleas, Medical Examiner, County Engineer, Prosecuting Attorney, Sheriff, County Council and County Executive.

(12) To submit to the County Council annually a five year financial forecast for the general operating funds of the County.

(13) Effective January 1, 2013, to exercise the powers and perform the duties prescribed by Section 4.05 of this Charter.

## Clarification of language related to the Department of Internal Auditing

The Commission heard testimony from Bernie Zaucha, the Director of the Department of Internal Auditing. Following his presentation concerning the duties of the Department of Internal Auditing, Mr. Zaucha requested that Article X be amended to reflect the fact that the Department of Internal Auditing should actually be known as the Internal Audit Department. Mr. Zaucha also requested that Section 10.04 be amended to state the standards followed when audits are performed and the audit services the Department provides. The Commission recommends, by an 8-0 vote, that Article X be amended as shown in Table 4:

**Table 4**

*Amending current Article X:*

### COUNTY INTERNAL AUDITING

#### SECTION 10.01 COUNTY AUDIT COMMITTEE.

A County Audit Committee is hereby created to provide internal auditing services to assist the County Executive, County Council, County elected offices departments, institutions, boards, commissions, authorities, organizations, and agencies of Summit County Government funded in whole or in part with county funds, in providing taxpayers of Summit County efficient and effective services. The County Audit Committee shall consist of the County Fiscal Officer, the County Executive, the President of County Council and two residents of Summit County appointed by the Executive, and approved by majority of Council. The County Audit Committee shall meet on a quarterly basis and oversee internal as well as external audits.

#### SECTION 10.02 ~~DEPARTMENT OF INTERNAL AUDITING~~ DEPARTMENT.

There shall be a ~~Department of Internal Auditing~~ Department which shall serve under the direction of, and perform such functions on behalf of, the County Audit Committee as the Committee shall prescribe.

#### SECTION 10.03 ~~DIRECTOR OF INTERNAL AUDITING~~ DEPARTMENT; QUALIFICATIONS.

There shall be a Director of Internal Auditing Department, who shall be head of the ~~Department Of Internal Auditing~~ Department. The Director of Internal Auditing Department shall be a Certified Internal Auditor or working towards an Internal Auditor certification, shall be, or after certification shall become, a member of the Institute of Internal Auditors and shall be subject to, and follow at all times, the Code of Ethics for Certified Internal Auditors established by the Institute of Internal Auditors. The County Audit Committee shall recommend the hiring or dismissal of the Director of Internal Auditing Department, upon approval of the County Council. The Director of Internal Auditing Department shall interview and make recommendations for the hiring of staff for the ~~Department Of Internal Auditing~~ Department to the County Audit Committee who shall approve or reject such recommendations.

#### SECTION 10.04 ~~AUTHORITY OF DEPARTMENT OF INTERNAL AUDITING~~ DEPARTMENT.

The ~~Department Of Internal Auditing~~ Department shall have the following powers and duties:

- (1) Preparation of an annual budget and work program;
  - (2) Development of a department audit fee, which shall be billed to each department audited;
  - (3) ~~Guidance of the internal audit process through utilization of:~~ Audits performed in accordance with Generally Accepted (a) Government Auditing Standards, United States General Accounting Government Accountability Office developed by the Comptroller General of the United States; and  
(b) ~~Professional Standards of the Institute of Internal Auditors, American Institute of Certified Public Accountants, generally accepted auditing standards.~~
  - (4) ~~Preparation of a preliminary financial and performance auditing reports for the department being audited;~~ Provide audit services and perform audit procedures to afford an objective assessment of the adequacy and effectiveness of management's internal control systems;
  - (5) ~~Preparation of final audit reports, follow-up audit reports and other reports where applicable, providing County management with recommendations and best practice information on identified operation and performance issues and risks; and~~
- (5) (6) Any other duties or responsibilities prescribed by the County Audit Committee.

## **Consolidation of Health Departments**

In the County of Summit, three health departments currently exist; the Akron Health Department, Barberton Health Department and the Summit County Combined General Health District, which has jurisdiction over the townships and the other cities and villages. The Commission heard testimony from Bob Genet, Mayor of the City of Barberton, and Gene Nixon, Health Commissioner of the Summit County Health District. The Commission is aware that discussions are ongoing as to the merger or one or more of the health districts. Accordingly, while the Commission does not make a recommendation concerning the adoption of a charter amendment in 2009 pursuant to Section 301.24 of the Ohio Revised Code to create a county health department, the Commission recommends that any future consolidation of the health departments should consider whether a Charter amendment is a necessary and appropriate element of that process.

## **Creation of a Records Center**

The Commission heard testimony from Teresa A. Corall, the County Executive's representative on the County Records Commission concerning the adoption of a charter amendment to create a County Records Center. Due to the current problem of a reliable source of funding, the Commission does not recommend the adoption of a charter amendment in 2009 to establish a county records center; however, it does recommend that a future charter review commission consider the issue.

## **Abolishment of Elected Offices of County Sheriff and County Fiscal Officer**

The Commission heard testimony from County Council Member John Schmidt, who proposed that the Commission consider charter amendments abolishing the elected offices of County Sheriff and County Fiscal Officer and vest their powers and duties in appointed offices. The Commission believes that additional investigation into these proposals is necessary prior to making a recommendation to Council. Accordingly, the Commission cannot recommend the adoption of one or more charter amendments in 2009 to implement Council Member Schmidt's proposal. The Commission recommends however, that a future charter review commission further study the consolidation of County offices.

RESOLUTION NO. \_\_\_\_\_

SPONSOR Mr. Fry, pursuant to the recommendation of the Charter Review Commission

DATE \_\_\_\_\_

COMMITTEE \_\_\_\_\_

**A Resolution submitting to the electors of the County of Summit at the November 3, 2009 general election a proposed charter amendment, as recommended by the 2008-09 Charter Review Commission, amending Article IV and Article II, Section 2.03 of the Charter to, effective January 1, 2013, consolidate and transfer the powers and duties of the County Engineer to the County Executive, who shall have on staff sufficient registered professional engineers and registered professional surveyors necessary to exercise the powers and perform the duties of county engineers, to provide that no election shall be held for the office of County Engineer in 2012 and to, effective January 1, 2013, abolish the office of County Engineer, for the Charter Review Commission, and declaring an emergency.**

WHEREAS, Section 3, Article X of the Ohio Constitution provides that “[t]he people of any county may frame and adopt . . . a charter . . .;” and

WHEREAS, the voters of the County of Summit approved the adoption of the County Charter on November 6, 1979; and

WHEREAS, Article V, Section 5.06 of the County Charter provides that “[p]roposed amendments to [the] Charter shall be submitted to the electors of the County by a vote of at least two-thirds of the members of the County Council...;” and

WHEREAS, Article V, Section 5.03 of the Charter provides for a nine member Charter Review Commission to meet in September 2003 and every five years thereafter to review the Charter and make recommendations concerning the amendment of the Charter; and

WHEREAS, this Council previously adopted Motion 044-2008, which confirmed the appointments of Mr. J. Edward Pearce, Mr. Richard E. Dobbins, Ms. Louise Heydorn, Ms. Diana Zaleski, Mr. David C. Luff, Dr. Donna M. Neff, Mr. Gary J. Dellapa, Mr. Maher Holozadah, and Ms. Bernett Williams to the 2008-2009 Charter Review Commission; and

WHEREAS, the Commission met from September 16, 2008, through July 29, 2009, and produced a Final Report recommending several amendments to the Charter, including the amendment that is proposed by this Resolution; and

WHEREAS, in its Final Report, the Charter Review Commission recommends that Article IV and Article II, Section 2.03 of the Charter be amended to, effective January 1, 2013, consolidate and transfer the powers and duties of the County Engineer to the County Executive, who shall have on staff sufficient registered professional engineers and registered professional surveyors necessary to exercise the powers and perform the duties of county engineers, to provide that no election shall be held for the office of County Engineer in 2012 and to, effective January 1, 2013, abolish the office of County Engineer; and

WHEREAS, this Council has determined by reviewing all pertinent information that it is necessary and in the best interest of the County of Summit to adopt the Commission's recommendation and that the citizens of the County should be permitted to decide at the November 3, 2009 general election whether to amend Article III, Section 3.04 of the Charter;

NOW, THEREFORE, BE IT RESOLVED by the Council of the County of Summit, State of Ohio, two-thirds of all the members elected thereto concurring, that:

SECTION 1

The following question as to whether the Charter of the County of Summit shall be amended, as set forth herein, shall be submitted to the electors of the County of Summit at the general election to be held November 3, 2009.

SECTION 2

The ballot form for this question shall be as follows:

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PROPOSED AMENDMENT TO COUNTY CHARTER

A majority affirmative vote is necessary for passage.

(Vote ballot with "X")

Shall the Charter of the County of Summit be amended to, effective January 1, 2013, consolidate and transfer the powers and duties of the County Engineer to the County Executive, who shall be required to keep a sufficient number of registered professional engineers and registered professional surveyors on staff and to eliminate the office of County Engineer in 2013 and the election for that office in 2012?

FOR THE AMENDMENT \_\_\_\_\_

AGAINST THE AMENDMENT \_\_\_\_\_

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SECTION 3

Article IV of the Charter of the County of Summit, entitled "Elected Office Holders," is hereby amended to add new Section 4.05, entitled, "Consolidation and Reallocation of Powers and Duties of County Engineer," as follows:

SECTION 3 (Cont.)

**“ARTICLE IV  
ELECTED OFFICE HOLDERS**

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**SECTION 4.05 CONSOLIDATION AND REALLOCATION OF POWERS AND DUTIES OF COUNTY ENGINEER.**

Effective upon a vacancy or as of January 1, 2013, whichever is earlier, the elective office of Engineer is abolished, and no election for such office shall be held at the 2012 general election in the County. Thereafter, all powers now or hereafter vested in and all duties now or hereafter imposed upon county engineers by general law shall be exercised and carried out by the County Executive, in addition to such powers and duties established by County Council that are not inconsistent with those provided by general law.

The County Executive shall employ a sufficient number of (i) registered professional engineers and (ii) registered professional surveyors, all of which must be licensed to practice in this State of Ohio, as are necessary to perform and undertake the powers and duties of county engineers as set forth in the general law, and such additional powers and duties as established by County Council that are not inconsistent with those provided by general law.

Effective January 1, 2013, all references in this Charter to the office of County Engineer shall be deleted.”

SECTION 4

Article II, Section 2.03 of the Charter of the County of Summit, entitled “Powers and Duties of the County Executive,” is hereby amended as follows:

**“SECTION 2.03 POWERS AND DUTIES OF THE COUNTY EXECUTIVE.**

The County Executive shall have all the powers and duties of an administrative nature under this Charter and responsibility for the day-to-day running of the departments, offices and agencies of County government under his or her jurisdiction and control. Such powers and duties include, but are not limited to, the following:

(1) To appoint, suspend, discipline and remove all county personnel except those who, as provided by general law, are under the jurisdiction of officers, boards, agencies, commissions and authorities of a county other than the board of county commissioners, and except those who are appointed by the County Council pursuant to Section 3.03 (I) of this Charter.

(2) To appoint officers and members of boards, agencies, commissions and authorities required by general law to be appointed by boards of county commissioners and of such additional boards, commissions, agencies and authorities as may hereafter be created pursuant to this Charter. No such appointment shall be effective until confirmed by the County Council, but if the County Council shall fail to act on an appointment within sixty days, it shall become effective without such approval. The County Executive shall use good faith efforts to reflect the diversity of the people of the County in appointing such officers and members.

(3) To approve or veto any ordinance or resolution as provided in Section 3.04 of this Charter.

(4) To serve, in person or by his delegate, as a member of the County Board of Revision.

SECTION 4 (Cont.)

(5) To execute contracts, conveyances and evidences of indebtedness on behalf of the County.

(6) To attend meetings of the County Council and take part in the discussion of all matters before County Council.

(7) To introduce ordinances and resolutions for consideration by the County Council and otherwise to make recommendations for actions to be taken by the County.

(8) To submit to the County Council a proposed operating budget for each fiscal year which shall contain at least the following:

(a) A statement of estimated revenues from all sources, including fund balances from the preceding year;

(b) A statement of proposed expenditures, shown by department, office, agency, authority, board and commission, and by activity, character and object and not exceeding estimated revenues for such year;

(c) A schedule of estimated revenues and proposed expenditures for each County department, office, agency, authority, board and commission, on a quarterly or more frequent basis; and

(d) A summary of the contents of the proposed operating budget.

(9) To submit annually to the County Council a capital improvements program which shall contain at least the following:

(a) The capital improvements scheduled for, or proposed to be undertaken within, the current fiscal year, together with the estimated cost of each improvement and the proposed or established method of financing;

(b) The capital improvements proposed for the five years next succeeding the current fiscal year, together with the estimated cost of each improvement and the proposed or established method of financing; and

(c) A summary of the detailed contents of the program.

(d) A five year debt management projection for capital improvements.

(10) To submit a written message to the County Council accompanying the proposed operating budget and capital improvements program explaining the budget both in fiscal terms and in terms of work to be done, outlining the proposed financial policies of the County for the current fiscal year and describing the important features of the budget. The message shall include any proposals for major changes in financial policies and in expenditures, appropriations and revenues as compared with the preceding fiscal year and the reasons for such proposals, and an itemization and explanation of each proposed capital improvement.

The operating budget and capital improvements program and accompanying message shall be submitted to the County Council by February 15 of each year.

(11) To conduct collective bargaining regarding uniform wages and compensatory benefits with any recognized employee bargaining unit and administer uniform personnel procedures for all County employees of the County Fiscal Officer, Clerk of the Court of Common Pleas, Medical Examiner, County Engineer, Prosecuting Attorney, Sheriff, County Council and County Executive.

(12) To submit to the County Council annually a five year financial forecast for the general operating funds of the County.

(13) Effective January 1, 2013, to exercise the powers and perform the duties prescribed by Section 4.05 of this Charter."

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SECTION 5

The Clerk of Council shall certify the question set forth herein to the Board of Elections of the County of Summit no later than the sixtieth day prior to the General Election of November 3, 2009.

SECTION 6

Notice of the proposed amendment set forth herein shall be given by publishing the full text of the proposed amendment once a week for at least two (2) consecutive weeks in a newspaper published in the County as set forth in Section 307.70 of the Ohio Revised Code.

SECTION 7

This Resolution is hereby declared an emergency in the interest of the health, safety, and welfare of the citizens of the County of Summit, and for the further purpose of ensure that this Resolution takes effect before the Board of Elections' deadline for submitting the proposed Charter Amendment.

SECTION 8

Provided that this Resolution receives the affirmative vote of eight (8) members, it shall take effect immediately upon its adoption and approval by the Executive; otherwise, it shall take effect and be in force at the earliest time provided by law.

SECTION 9

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

INTRODUCED \_\_\_\_\_

ADOPTED \_\_\_\_\_

\_\_\_\_\_  
CLERK OF COUNCIL

\_\_\_\_\_  
PRESIDENT OF COUNCIL

APPROVED \_\_\_\_\_

\_\_\_\_\_  
EXECUTIVE

ENACTED EFFECTIVE \_\_\_\_\_

SUMMIT COUNTY



COUNCIL

Legislative Summary Sheet  
Council Office  
175 South Main Street  
Akron, OH 44308  
330.643.2725 phone  
330.643.2531 fax

Subject: Submitting to the electors of the County of Summit at the November 3, 2009 general election a proposed charter amendment, as recommended by the 2008-09 Charter Review Commission, amending Article IV and Article II, Section 2.03 of the Charter to, effective January 1, 2013, consolidate and transfer the powers and duties of the County Engineer to the County Executive, who shall have on staff sufficient registered professional engineers and registered professional surveyors necessary to exercise the powers and perform the duties of county engineers, to provide that no election shall be held for the office of County Engineer in 2012 and to, effective January 1, 2013, abolish the office of County Engineer.

Elected Official/Agency: Executive

Department/Agency Contact: Jason Dodson Telephone: (330) 643-2075 Fax: (330) 643-2507  
E-mail: jdodson@summitoh.net

Council District(s): N/A.

History/Background: See, attached 2008-2009 Charter Review Commission Final Report.

Financial Information: N/A.

Prior Approvals/Recommendations: N/A.

Evaluation: See, attached 2008-2009 Charter Review Commission Final Report.

Other: N/A.