

ORDINANCE NO. 2007-550

SPONSOR Mr. Kostandaras

DATE October 29, 2007

COMMITTEE: Personnel

An Ordinance amending Section 164A.03, entitled "Board of Directors," of Chapter 164A, entitled "Port Authority," of the Codified Ordinances of the County of Summit to remove the limitation on members of the Summit County Port Authority Board of Directors to only four consecutive terms, for County Council, and declaring an emergency.

WHEREAS, Ohio Revised Code (ORC) § 4582.22 provides that a municipal corporation, township or county may create a port authority; and

WHEREAS, ORC § 4582.27 further provides that a port authority created in accordance with ORC § 4582.22 shall be governed by a Board of Directors, and such Board of Directors of a port authority created by the exclusive action of a county shall consist of such members as the county deems necessary; and

WHEREAS, in 1993, this Council created the Summit County Port Authority (SCPA) with a three member Board of Directors "in order to assist the County to carry out its purposes of promoting projects that will provide for creation of jobs, employment opportunities and improving the economic welfare, and for the purpose of assisting in the proposed acquisition of certain railroad rights of way and related facilities, and providing for activities relating to other transportation systems;" and

WHEREAS, this Council subsequently expanded the SCPA Board of Directors from three to its current seven members by adoption of Ordinance 99-004, and imposed a limitation on its members to four consecutive terms; and

WHEREAS, the SCPA is an asset to Summit County and the seven member Board of Directors appointed by the County Executive, subject to confirmation by County Council, is committed to strengthening and diversifying the economy of Summit County and Northeast Ohio by encouraging investment in business, industrial, transportation, distribution and community development projects; and

WHEREAS, mindful of the success and commitment of the SCPA, this Council has determined that the limitation to only four consecutive for its Board of Director is not in the best interests of the County of Summit;

NOW, THEREFORE BE IT ORDAINED by the Council of the County of Summit, State of Ohio, that:

SECTION 1

Section 164A.03, entitled "Board of Directors," of Chapter 164A, entitled "Port Authority," of the Codified Ordinances of the County of Summit is hereby amended as follows:

164A.03 BOARD OF DIRECTORS.

The Port Authority shall be governed by a seven member board of Directors, each of whom shall serve for a term of three years. The Board members serving prior to the adoption of this section with terms expiring 12/31/99, 12/31/01, and 12/31/02, shall serve through those periods. The additional four members shall be appointed to staggered initial terms of two years terms for two members and one year terms for two members with the persons initially appointed to the two year terms serving through 12/31/00 and the persons initially appointed to the one year terms serving through 12/31/99. All of the members of the Board of Directors shall be appointed by the County Executive, and approved by County Council in accordance with the procedure provided by the County of Summit Charter. Board members shall be appointed from a variety of professions and disciplines, such as Labor, Engineering, Insurance, Legal, Financial, Transportation, Real Estate, and Planning. Upon the resignation or removal of a member of the Board or the expiration of a member's term of office, a new member of the Board shall be appointed in the same manner by the County Executive and approved by County Council. One member of the Board shall be appointed from a list of eligible candidates recommended to the County by Metro RTA. No member shall ~~serve more than four consecutive terms, nor shall any member~~ hold office as an elected Summit County official, be employed by the County of Summit nor shall they be appointed to any other Board or Commission by the County Executive.

The Port Authority board may with the consent of the Executive and the approval of County Council, request an increase in the total size of the board to nine or eleven members.

SECTION 2

The Clerk of Council is hereby directed to forward a certified copy of this Ordinance to the Executive Director of the Summit County Port Authority.

SECTION 3

This Ordinance 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 reason to immediately remove the four consecutive terms limitation for the Board of Director of the Summit County Port Authority.

SECTION 4

Provided this Ordinance receives the affirmative vote of eight 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.

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SECTION 5

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 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 October 29, 2007

ADOPTED October 29, 2007

Shawley F. Shew
CLERK OF COUNCIL

Nick Kostandaras
PRESIDENT OF COUNCIL

October 30, 2007
APPROVED

Bussell M. P.
EXECUTIVE

October 30, 2007
ENACTED EFFECTIVE

Voice Vote: 10-0 YES: Comunale, Crawford, Crossland, Heydorn, Kostandaras, Poda, Prentice Schmidt, Shapiro, Smith Absent: Congrove