



AGENDA
CUYAHOGA COUNTY COUNCIL OPERATIONS & INTERGOVERNMENTAL RELATIONS
COMMITTEE MEETING
MONDAY, MARCH 10, 2014
CUYAHOGA COUNTY JUSTICE CENTER
COUNCIL CHAMBERS – 1ST FLOOR
9:00 AM

- 1. CALL TO ORDER**
- 2. ROLL CALL**
- 3. PUBLIC COMMENT RELATED TO THE AGENDA**
- 4. APPROVAL OF MINUTES FROM THE FEBRUARY 24, 2014 MEETING**
- 5. PRESENTATION**
 - a) Agency of Inspector General Semiannual Report
- 6. DISCUSSION REGARDING PROPOSED CHARTER AMENDMENTS**
 - a) R2013-0164: A Resolution providing for the submission to the electors of the County of Cuyahoga an amendment adding Article XIV, Section 14.01 of the Charter of Cuyahoga County establishing the Agency of Inspector General in the Charter; and declaring the necessity that this Resolution become immediately effective.
- 7. MATTERS REFERRED TO COMMITTEE**
 - a) O2014-0001: An Ordinance amending Sections 407.01 and 407.15 of the Cuyahoga County Code to add a definition for “Nominee” and to prohibit Nominees from making political contributions to nominating or appointing authorities and Public Officials from accepting same from their Nominees, and declaring the necessity that this Ordinance become immediately effective.

- b) O2014-0005: An Ordinance amending Section 107.01 of the Cuyahoga County Code to streamline the process for oaths and affirmations, and declaring the necessity that this Ordinance become immediately effective.

8. MISCELLANEOUS BUSINESS

9. OTHER PUBLIC COMMENT

10. ADJOURNMENT

*In accordance with Section 108.01 of the Cuyahoga County Code, complimentary parking in the Huntington Park Garage will be available for the public on any day when the Council or any of its committees holds meetings. Please see the Clerk to obtain a parking pass.



MINUTES

CUYAHOGA COUNTY COUNCIL OPERATIONS & INTERGOVERNMENTAL RELATIONS COMMITTEE MEETING

MONDAY, FEBRUARY 24, 2014
CUYAHOGA COUNTY JUSTICE CENTER
COUNCIL CHAMBERS – 1ST FLOOR
9:00 AM

1. CALL TO ORDER

Chairman Greenspan called the meeting to order at 9:11 a.m.

2. ROLL CALL

Mr. Greenspan asked Assistant Deputy Clerk Carter to call the roll. Committee members Greenspan, Miller, Brady and Connally were in attendance and a quorum was determined. Committee member Gallagher entered the meeting shortly after the roll call was taken.

3. PUBLIC COMMENT RELATED TO THE AGENDA

No public comments were given.

4. APPROVAL OF MINUTES FROM THE FEBRUARY 3, 2014 MEETING

A motion was made by Mr. Miller, seconded by Ms. Connally and approved by unanimous vote to approve the minutes of the February 3, 2014 meeting.

5. MATTERS REFERRED TO COMMITTEE

- a) O2014-0001: An Ordinance amending Sections 407.01 and 407.15 of the Cuyahoga County Code to add a definition for “Nominee” and to prohibit Nominees from making political contributions to nominating or appointing authorities and Public Officials from accepting same from their Nominees, and declaring the necessity that this Ordinance become immediately effective.

No legislative action was taken on Ordinance No. O2014-0001 at this time.

- b) O2014-0005: An Ordinance amending Section 107.01 of the Cuyahoga County Code to streamline the process for oaths and affirmations, and declaring the necessity that this Ordinance become immediately effective.

Mr. Michael King, Assistant Law Director, and Mr. James Boyle, Special Assistant to County Executive FitzGerald, addressed the Committee regarding Ordinance No. O2014-0005. Discussion ensued.

Committee members asked questions of Mr. King and Mr. Boyle pertaining to the item, which they answered accordingly.

No further legislative action was taken on Ordinance No. O2014-0005.

6. DISCUSSION

- a) R2013-0164: A Resolution providing for the submission to the electors of the County of Cuyahoga an amendment adding Article XIV, Section 14.01 of the Charter of Cuyahoga County establishing the Agency of Inspector General in the Charter; and declaring the necessity that this Resolution become immediately effective.

Mr. Miller addressed the Committee regarding Resolution No. R2013-0164 and proposed amendments relating to Section 14.01 of the County Charter. Discussion ensued.

7. MISCELLANEOUS BUSINESS

Mr. Greenspan announced that the next Council Operations & Intergovernmental Relations Committee meeting will be held on Monday, March 10, 2014 at 9:00 a.m.

8. OTHER PUBLIC COMMENT

No public comments were given.

9. ADJOURNMENT

With no further business to discuss, Chairman Greenspan adjourned the meeting at 10:19 a.m., without objection.

County Council of Cuyahoga County, Ohio

Resolution No. R2013-0164

Sponsored by: Councilmembers Greenspan and Schron	A Resolution providing for the submission to the electors of the County of Cuyahoga an amendment adding Article XIV, Section 14.01 of the Charter of Cuyahoga County establishing the Agency of Inspector General in the Charter; and declaring the necessity that this Resolution become immediately effective.
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WHEREAS, Article XII, Section 12.10 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 insure the continuation of the Inspector General’s Office by establishing the Agency of the Inspector General in the Charter.

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 XII, Section 12.10 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 5th day of November, 2013, the question of adding Article XIV, Section 14.01 of the Charter of the County of Cuyahoga, the respective text to be as set forth herein, with boldfaced text being added and crossed out text being deleted as follows:

SECTION 14.01 AGENCY OF INSPECTOR GENERAL.

There shall be an Agency of Inspector General. The County Council shall establish, by ordinance, the powers and duties of the Agency, the manner of the Inspector General’s appointment, and the Agency’s funding to ensure its independence in carrying out its powers and duties.

SECTION 2. Pursuant to Article X, Section 4 of the Ohio Constitution, and Article XII, Section 12.10 of the Charter of the County of Cuyahoga, this Council hereby directs that the proposed amendment creating Article XIV, Section 14.01 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 Article XIV, Section 14.01 Agency of Inspector General of the Charter of the County of Cuyahoga be added to establish the Agency of Inspector General in the Charter and provide for its funding, structure, operations, and authority?

SECTION 3. 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 5, 2013 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 4. It is necessary that this Resolution become immediately effective to enable the Clerk of Council to perform her duties in time for the amendment to be properly placed on the November 5, 2013 election. Provided that this Resolution receives the affirmative vote of eight (8) members of Council, it shall become immediately effective.

SECTION 5. 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 Mr. Schron, seconded by Ms. Conwell, the foregoing Resolution was not adopted.

Yeas: Schron, Rogers, Simon, Greenspan, Germana and Gallagher

Nays: Conwell, Jones, Miller, Brady and Connally

County Council President

Date

Clerk of Council

Date

First Reading/Referred to Committee: July 23, 2013
Committee(s) Assigned: Committee of the Whole

Committee Report/Second Reading: August 13, 2013

Journal CC011
August 27, 2013

County Council of Cuyahoga County, Ohio

Ordinance No. O2014-0001

Sponsored by: Councilmember Greenspan	An Ordinance amending Sections 407.01 and 407.15 of the Cuyahoga County Code to add a definition for “Nominee” and to prohibit Nominees from making political contributions to nominating or appointing authorities and Public Officials from accepting same from their Nominees, and declaring the necessity that this Ordinance become immediately effective.
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WHEREAS, Article III, Section 3.09(12) of the Charter empowers the County Council to establish by ordinance a code of ethics; and

WHEREAS, Article III, Section 3.09(12) clarifies that such a code of ethics shall guide and inform County officers and employees in the performance of their official duties in a manner that will represent high standards of professionalism and loyalty to the residents of the County and that will avoid conflicts of interest, self-dealing and other violations of the public; and

WHEREAS, Established in Title 4 of the Cuyahoga County Code is Council’s intention of separating the County’s employment and appointment decisions from political contributions; and

WHEREAS, the Cuyahoga County Agency of the Inspector General released a report of Investigation number 13-0576-C regarding a political contribution to the County Executive from an unconfirmed nominee to a board for which the Executive has appointing power, subject to Council confirmation, providing the conclusion that Section 407.15 of the County Code does not apply to individuals nominated to positions that require Council confirmation until they are confirmed by Council; and

WHEREAS, the County Council desires to clarify its intent to insulate the County’s appointment process from consideration of political contributions; 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 the County.

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

SECTION 1: Section 407.01 of the Cuyahoga County Code, which established definitions as used in Title 4 of the County Code, is hereby amended to add a new subsection 407.01(X) to read as follows and to appropriately renumber subsequent subsections:

Section 407.01 Definitions

- X. **“Nominee”** **Nominee means an individual appointed by an appointing authority to a position which requires confirmation by a confirming authority, pending withdrawal of the appointment by either the appointed individual or the appointing authority, or either the confirmation or rejection of the appointment by the confirming authority.**

SECTION 2: Section 407.15 of the Cuyahoga County Code, which prohibits Public Officials and Employees from making political contributions to their own elected County employer, appointing authority, and/or confirming authority and prohibits Public Officials from soliciting and/or accepting political contributions from individuals that they employ, appoint, or confirm, is hereby amended to read as follows (deletions ~~struck through~~ and additions **bolded and underlined**):

Section 407.15 Employee Contributions to an Elected Employer

- A. No Public Official, **Nominee**, or Employee shall make political contributions to or raise funds for their own elected County employer, **nominating authority**, appointing authority, and/or confirming authority. Exempted from this total prohibition are voluntary employee contributions to candidates for any other public office.
- B. No Public Official shall solicit and/or accept political contributions from individuals that they employ, **nominate**, appoint, or confirm.

SECTION 3: 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 4: 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 _____, seconded by _____, the foregoing Ordinance was duly enacted.

Yeas:

Nays:

County Council President

Date

County Executive

Date

Clerk of Council

Date

First Reading/Referred to Committee: January 14, 2014

Committee(s) Assigned: Council Operations & Intergovernmental Relations

Journal _____
_____, 2014

County Council of Cuyahoga County, Ohio

Ordinance No. O2014-0005

Sponsored by: County Executive FitzGerald/Department of Law	An Ordinance amending Section 107.01 of the Cuyahoga County Code to streamline the process for oaths and affirmations, and declaring the necessity that this Ordinance become immediately effective.
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WHEREAS, it is necessary to amend Section 107.01 of the Cuyahoga County Code to streamline the process for oaths of office and affirmations.

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 the County.

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

SECTION 1. Section 107.01(A) of the Cuyahoga County Code is hereby amended and replaced in its entirety to read as follows:

A. Persons Required to Take an Oath or Affirmation

- 1. County Officers/Directors/Members of Boards, Commissions, or other Authorities:** Each of the following County Officers, Directors, and Members of Boards, Commissions, or other Authorities of the County shall, before assuming their respective positions take and subscribe to an oath or affirmation, to be filed and kept in the Office of the Clerk of Council:
 - a. The Executive;
 - b. Council Members and Clerk of Council;
 - c. All County Officers under the County Charter;
 - d. All Directors of Departments established by the County Charter or pursuant to the Cuyahoga County Code;
 - e. Members of the Human Resource Commission; Council Districting Commission; and Personnel Review Commission;
 - f. The Internal Auditor;
 - g. The Inspector General; and
 - h. Any person serving in an interim or acting capacity in any of the positions listed in this subsection of the Cuyahoga County Code.

2. **County Employees:** All county employees under the jurisdiction of the County Executive and/or Council commencing their employment on or after February 1, 2014 shall, within 60 days of assuming their employment, take and subscribe to an oath or affirmation, to be filed and kept in their personnel files.

SECTION 2. Section 107.01(C) of the Cuyahoga County Code is hereby amended and replaced in its entirety to read as follows:

C. Persons Entitled to Administer the Oath or Affirmation

The oath or affirmation prescribed in Chapter 107 of the Cuyahoga County Code may be administered by the County Executive, a Council Member or the Clerk of Council, a County Officer under the County Charter, the Director of any Department, a Deputy Director of any Department, the Inspector General, a designee of the Director of Law, a designee of the Director of Human Resources, or by any notary public authorized to administer oaths in the State of Ohio.

SECTION 3. Section 107.01(D) of the Cuyahoga County Code is hereby repealed.

SECTION 4. It is necessary that this Ordinance become immediately effective for the usual daily 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 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 5. 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 actions 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 Ordinance was duly enacted.

Yeas:

Nays:

County Council President Date

County Executive Date

Clerk of Council Date

First Reading/Referred to Committee: February 11, 2014
Committee(s) Assigned: Council Operations & Intergovernmental Relations

Journal _____
_____, 20__