



AGENDA
CUYAHOGA COUNTY HEALTH, HUMAN SERVICES & AGING COMMITTEE MEETING
WEDNESDAY, APRIL 10, 2013
CUYAHOGA COUNTY JUSTICE CENTER
COUNCIL CHAMBERS – 1ST FLOOR
1:00 PM

- 1. CALL TO ORDER**
- 2. ROLL CALL**
- 3. PUBLIC COMMENT RELATED TO THE AGENDA**
- 4. APPROVAL OF MINUTES FROM APRIL 1, 2013 MEETING**
- 5. MATTERS REFERRED TO COMMITTEE**
 - a) O2013-0004: An Ordinance amending Ordinance No. O2011-0045, as amended, which established divisions and sections within the Department of Health and Human Services, to create the Office of the Director and to delineate displacement, reinstatement and reemployment procedures; and declaring the necessity that this Ordinance become immediately effective.
- 6. MISCELLANEOUS BUSINESS**
- 7. OTHER PUBLIC COMMENT**
- 8. ADJOURNMENT**

*In accordance with Ordinance No. O2011-0020, as amended, 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 HEALTH, HUMAN SERVICES & AGING COMMITTEE MEETING
MONDAY, APRIL 1, 2013
CUYAHOGA COUNTY JUSTICE CENTER
COUNCIL CHAMBERS – 1ST FLOOR
1:00 PM

1. CALL TO ORDER

Chairman Brady called the meeting to order at 1:05 p.m.

2. ROLL CALL

Mr. Brady asked Assistant Deputy Clerk Carter to call the roll. Committee members Brady, Conwell, Jones, Greenspan and Miller were in attendance and a quorum was determined. Councilmember Rogers was also in attendance.

3. PUBLIC COMMENT RELATED TO THE AGENDA

No public comments related to the agenda were given.

4. APPROVAL OF MINUTES FROM THE MARCH 20, 2013 MEETING

A motion was made by Mr. Brady, seconded by Mr. Jones and approved by unanimous vote to approve the minutes of the March 20, 2013 meeting.

5. MATTERS REFERRED TO COMMITTEE

- a) R2013-0039: A Resolution amending the 2012/2013 Biennial Operating Budget for 2013 by providing for budget realignments within Human Service operating budgets and the Health and Human Services Levy Fund and other funding sources in order to meet the requirements set forth in Section 4 of Resolution No. R2012-0232, and declaring the necessity that this Resolution become immediately effective.

A brief recess was taken by the Committee after which Mr. Brady reconvened the meeting.

Mr. Miller introduced a proposed substitute to Resolution No. R2013-0039. Discussion ensued.

Mr. Matthew Rubino, Director of the Office of Budget and Management, and Mr. David Merriman, Deputy Chief of Staff for Health and Human Services, addressed the Committee regarding Resolution No. R2013-0039. Discussion ensued.

Committee members and Councilmembers asked questions of Mr. Rubino and Mr. Merriman pertaining to the item, which they answered accordingly.

A motion was then made by Ms. Conwell, seconded by Mr. Greenspan and approved by unanimous vote to accept the proposed substitute to Resolution No. R2013-0039.

On a motion by Mr. Brady with a second by Ms. Conwell, Resolution No. R2013-0039 was considered and approved by unanimous vote to be referred to the full Council agenda with a recommendation for passage under second reading suspension of the rules.

6. MISCELLANEOUS BUSINESS

There was no miscellaneous business.

7. OTHER PUBLIC COMMENT

No public comments were given.

8. ADJOURNMENT

With no further business to discuss and on a motion by Mr. Greenspan with a second by Ms. Conwell, the meeting was adjourned at 2:16 p.m., without objection.

County Council of Cuyahoga County, Ohio

Ordinance No. O2013-0004

Sponsored by: County Executive FitzGerald/Department of Health and Human Services	An Ordinance amending Ordinance No. O2011-0045, as amended, which established divisions and sections within the Department of Health and Human Services, to create the Office of the Director and to delineate displacement, reinstatement and reemployment procedures; and declaring the necessity that this Ordinance become immediately effective.
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WHEREAS, Article VIII, Section 8.01 of the Charter of Cuyahoga County created the Department of Health and Human Services, and provides that the Department of Health and Human Services “shall administer all programs and activities for which the County has or has assumed responsibility for the protection and enhancement of the health, education and well-being of County residents; and

WHEREAS, under the prior form of government these services were performed by four separate agencies, namely the Department of Employment and Family Services, the Cuyahoga Support Enforcement Agency; the Department of Children and Family Services; and the Department of Senior and Adult Services; and

WHEREAS, the work performed by the four above-named agencies required specialized knowledge and skills; and

WHEREAS, Article III, Section 3.09(2), of the Charter grants Council the power to establish departments, and divisions and sections within departments, under the supervision of the County Executive as the Council determines to be necessary for the efficient administration of the County; and

WHEREAS, Ordinance No. O2011-0045 established as separate divisions within the Department of Health and Human Services the following: the Division of Employment and Family Services/Cuyahoga Support Enforcement Agency; the Division of Children and Family Services; the Division of Senior and Adult Services; and the Division of Community Initiatives; and subsequent Ordinance No. O2012-0029 renamed the Division of Employment and Family Services/Cuyahoga Support Enforcement Agency as Cuyahoga Job and Family Services; and

WHEREAS, Ordinance No. O2011-0045 authorizes the Director of Health and Human Services to employ additional deputies, assistants and employees as shall be conducive to the efficient performance of the duties of the Department of Health and Human Services; and

WHEREAS, the establishment of an Office of the Director, within the Department of Health and Human Services, to employ additional employees, officers, and assistants, will benefit the operations of the Department; and

WHEREAS, the diversity of programming needs and issues under the new Department of Health and Human Services has not changed since the Charter consolidated the previously-separate departments, and continues to require specialized knowledge and skills; and

WHEREAS, the equalization and delineation of displacement rights within the Department of Health and Human Services is necessary to maximize the specialized knowledge and skills, minimize service disruption, and make better use of County resources; and

WHEREAS, Article XVIII, Section 3 of the Ohio Constitution grants Cuyahoga County broad home rule powers to adopt rules, as designated by ordinance, as the Council determines to be necessary for the efficient administration of the County; including ordinances at variance with state statute; 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 department.

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

SECTION 1. The Office of the Director is hereby established within the Department of Health and Human Services.

SECTION 2. Displacement rights following the abolishment of a position within the Department of Health and Human Services are hereby delineated and wholly defined as displacement within the Division to which each employee is assigned (i.e., the Division of Children and Family Services; the Division of Senior and Adult Services; Cuyahoga Job and Family Services; or, the Division of Community Initiatives Services). In the case of the employees of the Office of the Director, displacement rights shall be limited to that office.

SECTION 3. Displacement, reinstatement, and reemployment procedures shall apply separately within each Division and/or the Office of the Director, as specified in Section 2 of this ordinance.

SECTION 4. This Ordinance specifically overrides any and all conflicting ordinances, as well as the provision set forth in OAC 123:1-41-12(E) that creates an additional displacement category for employees of county departments of job and family services defined as displacement in classifications previously held. Unless provided for otherwise in a collective bargaining agreement, in which case the terms

of the agreement shall apply, employees in the Department of Health and Human Services shall have only those displacement rights contained herein.

SECTION 5. Nothing in this Ordinance is intended to limit in any way the ability of the County Executive to hire employees, abolish positions, or lay off employees for the purpose of enhancing efficiency of operations or for any other reason permitted by general law.

SECTION 6. It is necessary that this Ordinance become immediately effective in order that critical services provided by Cuyahoga County can continue, and to continue the usual and daily operation of a County department. Provided that this Ordinance receives the affirmative vote of eight members of Council, this Ordinance shall become immediately effective upon the signature of the County Executive.

SECTION 7. 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 22, 2013
Committee(s) Assigned: Health, Human Services & Aging

Journal _____
_____, 2013

[PROPOSED SUBSTITUTE ORDINANCE]

County Council of Cuyahoga County, Ohio

Ordinance No. O2013-0004

<p>Sponsored by: County Executive FitzGerald/Department of Health and Human Services</p>	<p>An Ordinance amending Ordinance No. O2011-0045, as amended, which established divisions and sections within the Department of Health and Human Services, to create the Office of the Director and to clarify and delineate displacement, reinstatement and reemployment procedures; and declaring the necessity that this Ordinance become immediately effective.</p>
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WHEREAS, Article VIII, Section 8.01 of the Charter of Cuyahoga County created the Department of Health and Human Services, and provides that the Department of Health and Human Services “shall administer all programs and activities for which the County has or has assumed responsibility for the protection and enhancement of the health, education and well-being of County residents; and

WHEREAS, under the prior form of government these services were performed by four separate agencies, namely the Department of Employment and Family Services, the Cuyahoga Support Enforcement Agency; the Department of Children and Family Services; and the Department of Senior and Adult Services; and

WHEREAS, the work performed by the four above-named agencies required specialized knowledge and skills; and

WHEREAS, Article III, Section 3.09(2), of the Charter grants Council the power to establish departments, and divisions and sections within departments, under the supervision of the County Executive as the Council determines to be necessary for the efficient administration of the County; and

WHEREAS, Ordinance No. O2011-0045 established as separate divisions within the Department of Health and Human Services the following: the Division of Employment and Family Services/Cuyahoga Support Enforcement Agency; the Division of Children and Family Services; the Division of Senior and Adult Services; and the Division of Community Initiatives; and subsequent Ordinance No. O2012-0029 renamed the Division of Employment and Family Services/Cuyahoga Support Enforcement Agency as Cuyahoga Job and Family Services; and

WHEREAS, Ordinance No. O2011-0045 authorizes the Director of Health and Human Services to employ additional deputies, assistants and employees as shall be conducive to the efficient performance of the duties of the Department of Health and Human Services; and

WHEREAS, the establishment of an Office of the Director, within the Department of Health and Human Services, to employ additional employees, officers, and assistants, will benefit the operations of the Department; and

WHEREAS, the diversity of programming needs and issues under the new Department of Health and Human Services has not changed since the Charter consolidated the previously-separate departments, and continues to require specialized knowledge and skills; and

WHEREAS, the equalization and delineation of displacement rights within the Department of Health and Human Services is necessary to maximize the specialized knowledge and skills, minimize service disruption, and make better use of County resources; and

WHEREAS, Article XVIII, Section 3 of the Ohio Constitution grants Cuyahoga County broad home rule powers to adopt rules, as designated by ordinance, as the Council determines to be necessary for the efficient administration of the County; including ordinances at variance with state statute; 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 department.

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

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SECTION 3. Displacement, reinstatement, and reemployment procedures shall apply separately within each Division and/or the Office of the Director, as specified in Section 2 of this ordinance.

SECTION 4. No employee within the Department of Health and Human Services may displace another employee who has more retention points, regardless of the classification of either employee.

SECTION 45. This Ordinance specifically overrides any and all conflicting ordinances, as well as the provision set forth in OAC 123:1-41-12(E) that creates an additional displacement category for employees of county departments of job and family services defined as displacement in classifications previously held. Unless provided for otherwise in a collective bargaining agreement, in which case the terms of the agreement shall apply, employees in the Department of Health and Human Services shall have only those displacement rights contained herein.

SECTION 56. Nothing in this Ordinance is intended to limit in any way the ability of the County Executive to hire employees, abolish positions, or lay off employees for the purpose of enhancing efficiency of operations or for any other reason permitted by general law.

SECTION 67. It is necessary that this Ordinance become immediately effective in order that critical services provided by Cuyahoga County can continue, and to continue the usual and daily operation of a County department. Provided that this Ordinance receives the affirmative vote of eight members of Council, this Ordinance shall become immediately effective upon the signature of the County Executive.

SECTION 78. 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 22, 2013
Committee(s) Assigned: Health, Human Services & Aging

Journal _____
_____, 2013