



AGENDA
CUYAHOGA COUNTY COUNCIL OPERATIONS & INTERGOVERNMENTAL
RELATIONS COMMITTEE MEETING
TUESDAY, MARCH 31, 2015
CUYAHOGA COUNTY ADMINISTRATIVE HEADQUARTERS
C. ELLEN CONNALLY COUNCIL CHAMBERS – 4TH FLOOR
3:00 PM

- 1. CALL TO ORDER**
- 2. ROLL CALL**
- 3. PUBLIC COMMENT RELATED TO THE AGENDA**
- 4. APPROVAL OF MINUTES FROM THE FEBRUARY 17, 2015 MEETING**
- 5. MATTERS REFERRED TO COMMITTEE**
 - a) O2015-0004: An Ordinance establishing the process by which county officers or employees serving on public bodies may designate alternates to serve in their stead, and declaring the necessity that this Ordinance become immediately effective.
 - b) O2015-0005: An Ordinance enacting Section 206.12 of the Cuyahoga County Code to specify the County's representation on the Cuyahoga County Planning Commission, and declaring the necessity that this Ordinance become immediately effective.
 - c) O2014-0031: An Ordinance amending the County's Debarment Law to clarify that the period of debarment under Chapter 505 of the Cuyahoga County Code commences from the date of issuance of the debarment, and declaring the necessity that this Ordinance become immediately effective.

6. PRESENTATION

- a) Agency of Inspector General Semiannual Report

7. OTHER PUBLIC COMMENT

8. ADJOURNMENT

**Complimentary parking for the public is available in the attached garage at 900 Prospect. A skywalk extends from the garage to provide additional entry to the Council Chambers from the 5th floor parking level of the garage. Please see the Clerk to obtain a complimentary parking pass.*

***Council Chambers is equipped with a hearing assistance system. If needed, please see the Clerk to obtain a receiver.*



MINUTES

CUYAHOGA COUNTY COUNCIL OPERATIONS & INTERGOVERNMENTAL
RELATIONS COMMITTEE MEETING
TUESDAY, FEBRUARY 17, 2015
CUYAHOGA COUNTY ADMINISTRATIVE HEADQUARTERS
C. ELLEN CONNALLY COUNCIL CHAMBERS – 4TH FLOOR
3:00 PM

1. CALL TO ORDER

Chairman Miller called the meeting to order at 3:05 p.m.

2. ROLL CALL

Mr. Miller asked Assistant Deputy Clerk Culek to call the roll. Committee members Miller, Brady, Germana and Greenspan were in attendance and a quorum was determined. Committee member Simon 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 JANUARY 20, 2015 MEETING

A motion was made by Mr. Germana, seconded by Mr. Brady and approved by unanimous vote to approve the minutes of the January 20, 2015 meeting.

5. MATTERS REFERRED TO COMMITTEE

- a) Q2015-0004: An Ordinance establishing the process by which county officers or employees serving on public bodies may designate alternates to serve in their stead, and declaring the necessity that this Ordinance become immediately effective.

Mr. Brady addressed the Committee regarding Ordinance No. O2015-0004. Discussion ensued.

Mr. Michael King, Special Counsel, addressed the Committee regarding Ordinance No. O2015-0004. Discussion ensued.

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

No further legislative action was taken on Ordinance No. O2015-0004.

- b) O2015-0005: An Ordinance enacting Section 206.12 of the Cuyahoga County Code to specify the County's representation on the Cuyahoga County Planning Commission, and declaring the necessity that this Ordinance become immediately effective.

Mr. Brady addressed the Committee regarding Ordinance No. O2015-0005. Discussion ensued.

Mr. Edward Kraus, Interim Director of Regional Collaboration, and Mr. King addressed the Committee regarding Ordinance No. O2015-0005. Discussion ensued.

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

A motion was made by Mr. Brady, seconded by Mr. Greenspan and subsequently withdrawn to refer Ordinance No. O2015-0005 to the full Council agenda for second reading.

A motion was then made by Ms. Simon and subsequently withdrawn to refer Ordinance No. O2015-0005 to the full Council agenda for second reading.

Committee member Brady requested that his name be withdrawn as sponsor to Ordinance No. O2015-0005.

Committee member Simon requested to have her name added as sponsor to Ordinance No. O2015-0005.

No further legislative action was taken on Ordinance No. O2015-0005.

- c) O2015-0002: An Ordinance amending Section 206.06 of the Cuyahoga County Code to update the operating rules of the Charter Review Commission.

Mr. Miller addressed the Committee regarding Ordinance No. O2015-0002. Discussion ensued.

Mr. Miller introduced a proposed substitute to Ordinance No. O2015-0002. Discussion ensued.

A motion was then made by Mr. Miller, seconded by Mr. Germana and approved by unanimous vote to accept the proposed substitute.

On a motion by Mr. Miller with a second by Mr. Germana, Ordinance No. O2015-0002 was considered and approved by unanimous vote to be referred to the full Council agenda for second reading, as substituted.

6. MISCELLANEOUS BUSINESS

- a) Discussion of upcoming presentations by state lobbying representatives

Mr. Miller announced that the Council Operations & Intergovernmental Relations Committee meeting tentatively scheduled for Monday, March 9, 2015 at 9:00 a.m. has been canceled and will be rescheduled.

Mr. Greenspan announced that proposed changes to the Cuyahoga County Ethics Ordinance was distributed to Council and that materials from CCAO meetings will also be shared with Council.

7. OTHER PUBLIC COMMENT

No public comments were given.

8. ADJOURNMENT

With no further business to discuss and on a motion by Mr. Germana with a second by Mr. Greenspan, the meeting was adjourned at 3:55 p.m., without objection.

County Council of Cuyahoga County, Ohio

Ordinance No. O2015-0004

Sponsored by: Council President Brady	An Ordinance establishing the process by which county officers or employees serving on public bodies may designate alternates to serve in their stead, and declaring the necessity that this Ordinance become immediately effective.
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WHEREAS, the County Executive, members of County Council, and various other county officers and employees have been called to serve on public bodies to represent the county, or otherwise serve in their capacity as a county official or employee; and,

WHEREAS, Section 2.03(6) of the Charter provides that the County Executive shall "...serve, in person or by his or her delegate, as a member of the County Budget Commission and of the County Board of Revision"; and,

WHEREAS, various public bodies have established statutory or procedural rules governing the designation of alternates, including but not limited to, the Board of Control, the Contracts and Purchasing Board, the Debarment Review Board, and the Administrative Rules Board; and,

WHEREAS, Council now seeks to establish a general process by which alternates may be designated to serve in lieu of any member, except where otherwise provided by law or by regulation of the public body on which the county officer or employee serves; 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. The existing language in Section 112.01 is hereby enacted as Section 114.02(B) and Chapter 112 of the Cuyahoga County Code is hereby repealed in its entirety. All references to Chapter 112 throughout the Code are hereby amended to refer to Chapter 114 as of the date of enactment of this ordinance.

SECTION 2. Chapter 112 of the Cuyahoga County Code is hereby enacted as follows:

Chapter 112: Designation of Alternates

Section 112.01 Alternates serving in lieu of County Officers and Employees

A. Any county officer or employee who serves on a public body as a representative of Cuyahoga County, or otherwise serves in his or her official capacity as a county officer or employee, may designate an alternate to serve in his or her stead with full voting rights, on a temporary or permanent basis, unless otherwise provided by law or by the regulations adopted by the public body on which the county officer or employee serves.

SECTION 3. It is necessary that this Ordinance become immediately effective for the usual daily operation of the County; the preservation of public peace, health, or safety in the County; and any additional 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 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: February 10, 2015

Committee(s) Assigned: Council Operations & Intergovernmental Relations

Journal _____
_____, 20__

[PROPOSED SUBSTITUTE]

County Council of Cuyahoga County, Ohio

Ordinance No. O2015-0004

Sponsored by: Council President Brady	An Ordinance establishing the process by which county officers or employees serving on public bodies may designate alternates to serve in their stead, and declaring the necessity that this Ordinance become immediately effective.
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WHEREAS, the County Executive, members of County Council, and various other county officers and employees have been called to serve on public bodies to represent the county, or otherwise serve in their capacity as a county official or employee; and,

WHEREAS, Section 2.03(6) of the Charter provides that the County Executive shall "...serve, in person or by his or her delegate, as a member of the County Budget Commission and of the County Board of Revision"; and,

WHEREAS, various public bodies have established statutory or procedural rules governing the designation of alternates, including but not limited to, the Board of Control, the Contracts and Purchasing Board, the Debarment Review Board, and the Administrative Rules Board; and,

WHEREAS, Council now seeks to establish a general process by which alternates may be designated to serve in lieu of any member, except where otherwise provided by law or by regulation of the public body on which the county officer or employee serves; 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:

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SECTION 2. Chapter 112 of the Cuyahoga County Code is hereby enacted as follows:

Chapter 112: Designation of Alternates

Section 112.01 Alternates serving in lieu of County Officers and Employees

A. Any county officer or employee who serves on a public body as a representative of Cuyahoga County, or otherwise serves in his or her official capacity as a county officer or employee, may designate an alternate to serve in his or her stead with full voting rights, on a temporary or ~~permanent-recurring~~ basis. Alternates shall hold any residency, professional background, license, or county employment requirements that the principal officer or employee is required to hold. This Section shall not apply where the designation of alternates is unless otherwise provided by law or by the regulations adopted by the public body on which the county officer or employee serves.

SECTION 3. It is necessary that this Ordinance become immediately effective for the usual daily operation of the County; the preservation of public peace, health, or safety in the County; and any additional 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 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: February 10, 2015

Committee(s) Assigned: Council Operations & Intergovernmental Relations

Journal _____

_____, 20__

County Council of Cuyahoga County, Ohio

Ordinance No. O2015-0005

Sponsored by: Councilmember Simon	An Ordinance enacting Section 206.12 of the Cuyahoga County Code to specify the County’s representation on the Cuyahoga County Planning Commission, and declaring the necessity that this Ordinance become immediately effective.
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WHEREAS, the Cuyahoga County Planning Commission was originally established pursuant to Section 713.22 of the Ohio Revised Code by the board of county commissioners; and,

WHEREAS, Section 713.22 of the Ohio Revised Code provides that the County Planning Commission shall consist of the board of county commissioners and eight other members appointed by the board; and,

WHEREAS, pursuant to Section 2.03 of the Charter, the County Executive holds one seat on the County Planning Commission previously held by the board of county commissioners; and

WHEREAS, Section 1.62 (A) of the Ohio Revised Code provides that “[i]f any section of the Revised Code requires county representation on a board, commission, or authority by more than one county officer, and the charter vests the powers, duties, or functions of each county officer representing the county on the board, commission, or authority in fewer officers or in only a single county officer, the county officers or officer shall succeed to the representation of only one of the county officers on the board commission or authority. If any vacancy in the representation of the county on the board, commission or authority remains, the taxing authority of the county shall adopt a resolution to fill the vacancy;” and,

WHEREAS, Section 3.01 of the County Charter provides that “the Council shall be the legislative and taxing authority of the County...” and,

WHEREAS, Council now seeks to specify the County’s representation on the County Planning Commission; 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 206.12 of the Cuyahoga County Code is hereby enacted to read as follows:

Section 206.12 Cuyahoga County Planning Commission

- A. The Cuyahoga County Planning Commission, established pursuant to section 713.22 of the Revised Code, shall be composed of the following members:
1. Eight members appointed by the County Executive and confirmed by Council in accordance with section 713.22 of the Revised Code and the County Charter;
 2. The County Executive; and
 3. Two members of the County Council appointed by the President of Council.
- B. Alternates to the County Planning Commission shall be residents of the county and shall be designated in accordance with section 713.22 of the Revised Code; provided however that the President of Council shall designate the alternates for those serving members of County Council.
- C. Paragraphs (A) and (B) shall not terminate or otherwise affect the term of those members serving on the County Planning Commission as of the effective date of this section.

SECTION 2. It is necessary that this Ordinance become immediately effective for the usual daily operation of the County; the preservation of public peace, health, or safety in the County; and any additional 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 3. 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.

[PROPOSED SUBSTITUTE]

County Council of Cuyahoga County, Ohio

Ordinance No. O2015-0005

Sponsored by: Councilmember Simon	An Ordinance enacting Section 206.12 of the Cuyahoga County Code to specify the County’s representation on the Cuyahoga County Planning Commission, and declaring the necessity that this Ordinance become immediately effective.
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WHEREAS, the Cuyahoga County Planning Commission was originally established pursuant to Section 713.22 of the Ohio Revised Code by the board of county commissioners; and,

WHEREAS, Section 713.22 of the Ohio Revised Code provides that the County Planning Commission shall consist of the board of county commissioners and eight other members appointed by the board; and,

WHEREAS, pursuant to Section 2.03 of the Charter, the County Executive holds one seat on the County Planning Commission previously held by the board of county commissioners; and

WHEREAS, Section 1.62 (A) of the Ohio Revised Code provides that “[i]f any section of the Revised Code requires county representation on a board, commission, or authority by more than one county officer, and the charter vests the powers, duties, or functions of each county officer representing the county on the board, commission, or authority in fewer officers or in only a single county officer, the county officers or officer shall succeed to the representation of only one of the county officers on the board commission or authority. If any vacancy in the representation of the county on the board, commission or authority remains, the taxing authority of the county shall adopt a resolution to fill the vacancy;” and,

WHEREAS, Section 3.01 of the County Charter provides that “the Council shall be the legislative and taxing authority of the County...” and,

WHEREAS, Council now seeks to specify the County’s representation on the County Planning Commission; 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 206.12 of the Cuyahoga County Code is hereby enacted to read as follows:

Section 206.12 Cuyahoga County Planning Commission

- A. The Cuyahoga County Planning Commission, established pursuant to section 713.22 of the Revised Code, shall be composed of the following members:
1. Eight members appointed by the County Executive and confirmed by Council in accordance with section 713.22 of the Revised Code and the County Charter;
 2. The County Executive; and
 3. Two members of the County Council appointed by the President of Council.
- B. Alternates to the County Planning Commission appointed to serve on behalf of the County Executive or members of County Council shall be residents of the county and shall be designated in ~~accordance with the same manner as the designation of alternates by members of boards of county commissioners, as provided in~~ section 713.22 of the Revised Code; ~~provided however that the President of Council shall designate the alternates for those serving members of County Council.~~
- C. Paragraphs (A) and (B) shall not terminate or otherwise affect the term of those members serving on the County Planning Commission as of the effective date of this section.

SECTION 2. It is necessary that this Ordinance become immediately effective for the usual daily operation of the County; the preservation of public peace, health, or safety in the County; and any additional 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 3. 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: February 10, 2015

Committee(s) Assigned: Council Operations & Intergovernmental Relations

Change in Primary Sponsorship Requested: February 17, 2015

Journal _____
_____, 20__

County Council of Cuyahoga County, Ohio

Ordinance No. O2014-0031

Sponsored by: County Executive FitzGerald/Department of Law	An Ordinance amending the County's Debarment Law to clarify that the period of debarment under Chapter 505 of the Cuyahoga County Code commences from the date of issuance of the debarment, and declaring the necessity that this Ordinance become immediately effective.
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WHEREAS, the County's debarment law was enacted to strengthen the citizens' trust in the County's contracting processes and to also provide risk mitigation;

WHEREAS, in light of recent rulings by the Debarment Review Board, it is necessary to amend the debarment law to clarify the commencement date for the debarment period under the County law commences from the date of issuance of the debarment; 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 departments.

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

SECTION 1. Section 505.10 of the Cuyahoga County Code is hereby amended and replaced in its entirety to read as follows:

Section 505.10 Commencement of Debarment Period and Good Faith in Exercising Discretion

A. Debarment Period to Commence from Date of Issuance of Debarment.

The debarment period for any debarment issued under this Chapter shall commence from the date of the Inspector General's issuance of the debarment and posting of the debarment on the Inspector General's web site.

First Reading/Referred to Committee: October 14, 2014

Committee(s) Assigned: Council Operations & Intergovernmental Relations

Journal _____
_____, 20__

[PROPOSED SUBSTITUTE]

County Council of Cuyahoga County, Ohio

Ordinance No. O2014-0031

<p>Sponsored by: County Executive FitzGerald/Department of Law</p> <p><u>Co-Sponsored by: Councilmember Simon</u></p>	<p>An Ordinance amending the County's Debarment Law to clarify that the period of debarment under Chapter 505 of the Cuyahoga County Code commences from the date of issuance of the debarment, and declaring the necessity that this Ordinance become immediately effective.</p>
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WHEREAS, the County's debarment law was enacted to strengthen the citizens' trust in the County's contracting processes and to also provide risk mitigation;

WHEREAS, in light of recent rulings by the Debarment Review Board, it is necessary to amend the debarment law to clarify the commencement date for the debarment period under the County law commences from the date of issuance of the debarment; 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 departments.

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

SECTION 1. Section 505.10 of the Cuyahoga County Code is hereby amended and replaced in its entirety to read as follows:

Section 505.10 Commencement of Debarment Period and Good Faith in Exercising Discretion

A. Debarment Period to Commence from Date of Issuance of Debarment.

The debarment period for any debarment issued under this Chapter shall commence from the date of the Inspector General's issuance of the debarment and posting of the debarment on the Inspector General's web site.

B. Good Faith in Exercising Discretion.

The Cuyahoga County Inspector General and Debarment Review Board shall exercise their discretion ~~under this Chapter~~ in good faith to ensure consistent application ~~among similarly situated contractors~~ of this Chapter.

SECTION 2. Section 205.06 (B) of the Cuyahoga County Code is hereby amended as follows (additions are bolded and underlined, deletions are stricken):

B. Jurisdiction

The Cuyahoga County Debarment Review Board shall review and determine – including the powers to affirm, reverse, modify, ~~and or~~ remand – any matters that are submitted for its consideration pursuant to the Cuyahoga County Code. **Notwithstanding Section 505.03 of this Code, the Board shall have the discretion to modify the expiration date of any individual debarment period as the Board deems appropriate; provided however that no single debarment period shall exceed five years.**

SECTION 3. Section 505.06 (A)(2) of the Cuyahoga County Code is hereby amended as follows (additions are bolded and underlined, deletions are stricken):

A. Debarment by the Inspector General

2. Inspector General’s Decision on Debarment

- a. After expiration of the time period provided in the Notice of Potential Debarment in which the contractor may respond to the Notice of Potential Debarment, the Inspector General shall render a decision on the potential debarment within a reasonable time period under the circumstances.
- b. If the Inspector General determines not to debar the contractor, the Inspector General shall issue a written notice of his/her determination to the contractor.
- c. If the Inspector General determines to debar the contractor, the Inspector General shall do all of the following:
 - i. The Inspector General shall add the contractor on the listing of debarred contractors on its web site and shall issue a written “Notice of Debarment” to the Contractor.

ii. The Notice of Debarment shall include all of the following:

- i. A notice that the contractor has been debarred;
- ii. A notice that the debarred contractor may not submit any bids, proposals, statements of qualifications, or any other such offers to the County or otherwise enter into any contract or agreement with the County;
- iii. A notice that the debarred contractor may not do any work as a subcontractor on any county contract or agreement;
- iv. A notice that the County will automatically disqualify any bids, proposals, statements of qualifications, or any other contractual offers to the County from the debarred contractor;
- v. A notice of the duration of the debarment, including the starting and expiration dates of the debarment;
- vi. A notice that the debarred contractor may appeal the debarment to the Debarment Review Board within 30 days by filing the original copy of its Notice of Appeal with the Inspector General and a copy with the Clerk of the Debarment Review Board;
- vii. A notice of the exact due date on which the 30th day falls and by which the Notice of Appeal must be received by the Inspector General and the Clerk of the Debarment Review Board;
- ~~viii. A notice that the Notice of Appeal must include, with sufficient detail and factual background the specific assignments of error upon which the debarred contractor seeks to rely in its appeal before the Debarment Review Board;~~
- ix. A notice that the debarred contractor bears the burden of proof before the Debarment Review Board;
- x. A notice that the debarred contractor has the right to introduce testimony and to cross-examine witnesses at the hearing before the Debarment Review Board;

- xi. A notice that if the debarred contractor intends to introduce evidence before the Debarment Review Board that was not submitted to the Inspector General, the debarred contractor must **submit, with sufficient detail and factual background, the specific assignments of error upon which the debarred contractor seeks to rely in its appeal before the Debarment Review Board, and must identify all such evidence with specificity and include copies of any written evidence within 30 days of filing its Notice of Appeal.** ~~in its Notice of Appeal~~ **The evidence submission deadline may be extended only at the discretion of the Debarment Review Board;**
- xii. A notice that the debarred contractor may not introduce any evidence at the hearing before the Debarment Review Board that was not submitted to the Inspector General in response to the Notice of Potential Debarment or included **by the evidence submission deadline** with its Notice of Appeal as provided in section 505.06(A)(2)(c)(ii)(xi) herein; and
- xiii. A notice that the debarred contractor's failure to file its Notice of Appeal as provided in the Notice of Debarment is a jurisdictional failure that may not otherwise be remedied.
- xiv. **A notice that the Inspector General shall, upon the request of the debarred contractor, produce copies of all written evidence the Inspector General reviewed when making his or her decision to debar, unless such production is otherwise prohibited by law.**

SECTION 42. 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.

