



**AGENDA**  
**CUYAHOGA COUNTY COUNCIL OPERATIONS & INTERGOVERNMENTAL RELATIONS**  
**COMMITTEE MEETING**  
**MONDAY, JANUARY 27, 2014**  
**CUYAHOGA COUNTY JUSTICE CENTER**  
**COUNCIL CHAMBERS – 1<sup>ST</sup> FLOOR**  
**9:00 AM**

- 1. CALL TO ORDER**
- 2. ROLL CALL**
- 3. PUBLIC COMMENT RELATED TO THE AGENDA**
- 4. APPROVAL OF MINUTES FROM THE JANUARY 13, 2014 MEETING**
- 5. MATTERS REFERRED TO COMMITTEE**
  - a) R2014-0008: A Resolution authorizing a payment in the amount of \$350,000.00 to L.A.N.D. Studio, Inc. for operational support of the Group Plan Commission; authorizing the County Executive to negotiate and execute any necessary contract or other documents for same; and declaring the necessity that this Resolution become immediately effective.
  - b) 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
- 6. MISCELLANEOUS BUSINESS**
- 7. OTHER PUBLIC COMMENT**

## 8. 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, JANUARY 13, 2014  
CUYAHOGA COUNTY JUSTICE CENTER  
COUNCIL CHAMBERS – 1<sup>ST</sup> FLOOR  
9:00 AM**

#### **1. CALL TO ORDER**

**Chairman Greenspan called the meeting to order at 9:12 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 OCTOBER 16, 2013 MEETING**

**A motion was made by Ms. Connally, seconded by Mr. Miller and approved by unanimous vote to approve the minutes of the October 16, 2013 meeting.**

#### **5. MATTERS REFERRED TO COMMITTEE**

- a) None

**No matters were referred to Committee.**

## 6. DISCUSSION

- a) Resolution No. R2013-0162: A Resolution providing for the submission to the electors of the County of Cuyahoga an amendment to Article V, Section 5.01 Appointment and Confirmation of Officers and Section 5.08 Sheriff: Powers, Duties, and Qualifications establishing the term of appointment and process of removal of the Sheriff; and declaring the necessity that this Resolution become immediately effective.

**Mr. Greenspan addressed the Committee regarding Resolution No. R2013-0162. Discussion ensued.**

**Mr. James Boyle, Special Assistant to County Executive FitzGerald, addressed the Committee regarding Resolution No. R2013-0162 and the minutes from the Charter Review Commission meetings. Discussion ensued.**

**Committee members asked questions of Mr. Boyle pertaining to the items, which he answered accordingly.**

- b) Proposed amendments to Cuyahoga County Code, Title 4: Ethics.

**Mr. Greenspan addressed the Committee regarding proposed amendments to Title 4 of the Cuyahoga County Code, including clarifying the definition of “nominee” in Sections 407.01 and 407.15. Discussion ensued.**

## 7. MISCELLANEOUS BUSINESS

**Mr. Greenspan announced that the next Council Operations & Intergovernmental Relations Committee meeting will be held on Monday, January 27, 2014 at 9:00 a.m.**

**Mr. Miller requested that information regarding the Charter amendments should be sent out to the voters and announced that the Finance & Budgeting Committee will meet at 1:00 p.m. today in the Council Conference Room.**

## 8. OTHER PUBLIC COMMENT

**No public comments were given.**

## 9. ADJOURNMENT

**With no further business to discuss and on a motion by Mr. Miller with a second by Mr. Brady, the meeting was adjourned at 10:17 p.m., without objection.**

# County Council of Cuyahoga County, Ohio

## Resolution No. R2014-0008

Sponsored by: <b>County Executive FitzGerald/Department of Public Works</b>	<b>A Resolution</b> authorizing a payment in the amount of \$350,000.00 to L.A.N.D Studio, Inc. for operational support of the Group Plan Commission; authorizing the County Executive to negotiate and execute any necessary contract or other documents for same; and declaring the necessity that this Resolution become immediately effective.
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WHEREAS, under the Medical Mart Agreement Regarding Final Project Finance Approval dated December 1, 2010, a County Contingency Fund was established in the amount of \$3,485,435.00 (“Contingency Fund”); and

WHEREAS, the County Executive and Department of Public Works have requested the authority to release a payment in the amount of \$350,000.00 from the Contingency Fund to L.A.N.D. Studio, Inc. for operational support of the Group Plan Commission; and

WHEREAS, L.A.N.D. Studio, Inc., is the fiscal agent for the Group Plan Commission; and

WHEREAS, the Group Plan Commission is a non-profit organization serving as the coordinator between the County of Cuyahoga, the City of Cleveland, and philanthropic and private sector partners who are working to revitalize Cleveland’s downtown and connect it to the Lake Erie waterfront; and

WHEREAS, the Contingency Fund is held at U.S. Bank, the Trustee for Medical Mart, and it is not a part of the County’s General Fund; and

WHEREAS, Section 3.10(a)(11) of the Cuyahoga County Contracting and Purchasing Procedures Ordinance provides that the Cuyahoga County Council may review and approve any “contract, purchase, sale, lease, grant made by the County, loan made by the County, or any exemption, procedure, or other action within the process of completing any such contract, purchase, sale, lease, grant, exemption, or loan that does not otherwise require Council approval, but the County Executive, Board of Control, or Contracts and Purchasing Board determines to submit to Council for its consideration, review, and approval; and

WHEREAS, Section 3.18 of the Cuyahoga County Contracting and Purchasing Procedures Ordinance provides that the “County Executive may refer an item to the



First Reading/Referred to Committee: January 14, 2014

Committee(s) Assigned: Council Operations & Intergovernmental Relations

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# County Council of Cuyahoga County, Ohio

## Ordinance No. O2014-0001

Sponsored by: <b>Councilmember Greenspan</b>	<b>An Ordinance</b> 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 \_\_\_\_\_  
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