



AGENDA
CUYAHOGA COUNTY COUNCIL OPERATIONS & INTERGOVERNMENTAL RELATIONS
COMMITTEE MEETING
MONDAY, FEBRUARY 3, 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 JANUARY 27, 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 immediately effective.
- 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.

7. MISCELLANEOUS BUSINESS

8. OTHER PUBLIC COMMENT

9. 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 27, 2014
CUYAHOGA COUNTY JUSTICE CENTER
COUNCIL CHAMBERS – 1ST FLOOR
9:00 AM

1. CALL TO ORDER

Chairman Greenspan called the meeting to order at 9:09 a.m.

2. ROLL CALL

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

3. PUBLIC COMMENT RELATED TO THE AGENDA

No public comments were given.

4. APPROVAL OF MINUTES FROM THE JANUARY 13, 2014 MEETING

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

Ms. Melinda Burt, Special Assistant to County Executive FitzGerald; Mr. Anthony Coyne, Chairman of the Group Plan Commission; Mr. Chris Ronayne, member of the Group Plan Commission; and Mr. Majeed Makhoulf, Law Director, addressed Council regarding Resolution No. R2014-0008. Discussion ensued.

Committee members asked questions of Ms. Burt, Mr. Coyne, Mr. Ronayne and Mr. Makhoulf pertaining to the item, which they answered accordingly.

No further legislative action was taken on Resolution No. R2014-0008.

- 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 immediately effective.

Mr. Ed Morales, Assistant Law Director, and Mr. James Boyle, Special Assistant to County Executive FitzGerald, addressed Council regarding Ordinance No. O2014-0001. Discussion ensued.

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

No further legislative action was taken on Ordinance. No. O2014-0001.

6. MISCELLANEOUS BUSINESS

Mr. Greenspan announced that the next Council Operations & Intergovernmental Relations Committee meeting will be held on Monday, February 3, 2014 at 9:00 a.m.

7. OTHER PUBLIC COMMENT

No public comments were given.

8. ADJOURNMENT

With no further business to discuss and on a motion by Ms. Connally with a second by Mr. Gallagher, the meeting was adjourned at 10:34 a.m., without objection.

County Council of Cuyahoga County, Ohio

Resolution No. R2014-0008

Sponsored by: County Executive FitzGerald/Department of Public Works	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.
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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

Journal CC013

_____, 2014

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

Resolution No. R2013-0162

Sponsored by: Councilmembers Connally and Greenspan	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.
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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 establish the term of appointment and process of removal of the Sheriff.

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 amending Article V, Section 5.01 and 5.08 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 5.01 APPOINTMENT; CONFIRMATION BY COUNCIL.

Each of the officers provided for in this Article V shall be appointed by the County Executive subject to confirmation by Council, and shall serve at the pleasure of the County Executive **unless otherwise specified herein.**

SECTION 5.08 SHERIFF: POWERS, DUTIES AND QUALIFICATIONS.

(1) Powers and Duties. All powers and duties now or hereafter vested in or imposed upon county sheriffs by general law shall be carried out by the appointed Sheriff.

(2) Qualifications. The Sheriff shall possess and continue to maintain the qualifications provided by general law for the office of county sheriff and in addition shall have had at least five years' experience in law enforcement or in correctional facilities management.

(3) Term. The Sheriff shall be appointed for a term of four years. Each four-year term shall commence on the first day of January of the year following the beginning of the term of office of the County Executive.

(4) Removal. The County Executive may remove the Sheriff from office subject to the approval of at least two-thirds of the Council.

(5) Vacancy. In the case of a vacancy prior to the expiration of the four-year term, the County Executive shall appoint a Sheriff to complete the unexpired term, subject to confirmation by Council. In the case of a vacancy prior to but within two years of the expiration of the four-year term, the County Executive may appoint a Sheriff to complete the unexpired term and a subsequent four-year term, subject to confirmation by Council.

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 of Article V, Sections 5.01 and 5.08 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 V, Section 5.01 Appointment; Confirmation by Council and Section 5.08 Sheriff: Powers, Duties and Qualifications of the Charter of Cuyahoga County be amended to establish a term of appointment and process of removal of the Sheriff?

SECTION 3. If the foregoing proposal receives the affirmative vote of a majority of the electors voting thereon, the existing provisions of Article V, Sections 5.01 and 5.08 are inconsistent herewith, shall be and the same are hereby repealed effective as of the date on which such amendment becomes effective.

SECTION 4. 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 5. It is necessary that this Resolution become immediately effective to enable the Clerk of Council to perform her duties in time for the amendments 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 6. 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, Greenspan, Germana and Gallagher

Nays: Conwell, Jones, Simon, 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

Sponsorship Withdrawn: August 27, 2013

Journal CC011
August 27, 2013