



**AGENDA**  
**CUYAHOGA COUNTY COUNCIL OPERATIONS & INTERGOVERNMENTAL RELATIONS**  
**COMMITTEE MEETING**  
**MONDAY, MAY 19, 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 MAY 5, 2014 MEETING**
- 5. MATTERS REFERRED TO COMMITTEE**
  - a) Q2014-0001: 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) Q2014-0010: An Ordinance amending Section 205.06 of the Cuyahoga County Code to incorporate changes to the composition and compensation of the Cuyahoga County Debarment Review Board, and declaring the necessity that this Ordinance become immediately effective.
  - c) Q2014-0015: An Ordinance enacting the Cuyahoga County Electronic Modernization Act by authorizing the electronic delivery and execution of legislation, contracts, and other instruments and documents.

**6. DISCUSSION REGARDING PROPOSED CHARTER AMENDMENTS**

- a) Appointment of the Charter Review Commission
- b) Residency requirement for Councilmembers during redistricting
- c) Rename the legislative body of the County
- d) Remove party affiliation and require non-partisan elections for positions for County Council and County Executive

**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, MAY 5, 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 9:07 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 MARCH 24, 2014 MEETING

**A motion was made by Mr. Miller, seconded by Mr. Gallagher and approved by unanimous vote to approve the minutes of the March 24, 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.

**Mr. Michael King, Special Counsel, addressed the Committee regarding Ordinance No. O2014-0001. Discussion ensued.**

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

**Mr. Greenspan introduced a proposed substitute to Ordinance No. O2014-0001. Discussion ensued.**

**A motion was then made by Mr. Greenspan, seconded by Ms. Connally and approved by unanimous vote to accept the proposed substitute.**

**Mr. James Boyle, Special Assistant to County Executive FitzGerald, addressed the Committee regarding Ordinance No. O2014-0001. Discussion ensued.**

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

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

- b) O2014-0010: An Ordinance amending Section 205.06 of the Cuyahoga County Code to incorporate changes to the composition and compensation of the Cuyahoga County Debarment Review Board, and declaring the necessity that this Ordinance become immediately effective.

**Ms. Connally addressed the Committee regarding Ordinance No. O2014-0010. Discussion ensued.**

**Mr. Boyle and Mr. Trevor McAleer, Legislative and Budget Advisor, addressed the Committee regarding Ordinance No. O2014-0010. Discussion ensued.**

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

**No further legislative action was taken on Ordinance No. O2014-0010.**

## **6. DISCUSSION REGARDING PROPOSED CHARTER AMENDMENTS**

- a) Establishment of the Investment Advisory Committee

**Mr. Greenspan addressed the Committee regarding amending the Charter relating to the establishment of Investment Advisory Committee. Discussion ensued.**

**Mr. King and Mr. Boyle addressed the Committee regarding the composition, structure and authority of the Investment Advisory Committee. Discussion ensued.**

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

- b) Changing the composition of Charter Boards and Commissions

**Mr. Greenspan addressed the Committee regarding amending the Charter to change the composition of Charter Boards and Commissions and provided information relating to the current structure of the Budget Commission, Board of Revision and County Audit Commission. Discussion ensued.**

## **7. MISCELLANEOUS BUSINESS**

- a) Update on the County's regional collaboration initiatives

**Ms. Jennifer Scofield, Acting Director of the Office of Regional Collaboration; Mr. Nathan Kelly, Deputy Chief of Staff for Economic Development; and Ms. Melinda Burt, Special Assistant to County Executive FitzGerald, addressed the Committee regarding various regional collaboration initiatives including the completion of the Merger study, County Health Alliance, presentations to municipalities, LakeStat meetings, insurance deployment and community engagement. Discussion ensued.**

**Committee members asked questions of Ms. Scofield, Mr. Kelly and Ms. Burt pertaining to the item, which they answered accordingly.**

**Mr. Greenspan announced that the next Council Operations & Intergovernmental Relations Committee meeting will be held on Monday, May 19, 2014 at 9:00 a.m.**

## **8. OTHER PUBLIC COMMENT**

## **9. ADJOURNMENT**



# County Council of Cuyahoga County, Ohio

## Ordinance No. O2014-0001

Sponsored by: <b>Councilmember Greenspan</b>	<b>An Ordinance</b> amending Section 407.15 of the Cuyahoga County Code to prohibit Nominees from making certain 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 407.15 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 or Employee shall make political contributions to or **solicit** ~~raise funds~~ for their own elected County employer, appointing authority, and/or confirming authority **where the contribution or solicitation:**
1. **is intended to influence, or could reasonably be expected to influence, the employer, appointing authority, or confirming authority's decision in making the appointment, nomination, or confirmation; or**
  2. **is intended as a reward for making the appointment, nomination, or confirmation.**

~~Exempted from this total prohibition are voluntary employee contributions to candidates for any other public office.~~

- B. No Public Official shall **knowingly** solicit and/or accept **partisan** political contributions from individuals that they employ. **Further, no Public Official shall knowingly accept political contributions from any person who they appoint or confirm where the contribution:**
1. **is intended to influence, or could reasonably be expected to influence, the Public Official's decision in making the appointment, nomination, or confirmation; or**
  2. **is intended as a reward for making the appointment, nomination, or confirmation.**

- C. **The prohibitions in this Section shall apply equally to any person whose confirmation is pending before a County confirming authority.**

**SECTION 2:** 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



# [PROPOSED SUBSTITUTE]

## County Council of Cuyahoga County, Ohio

### Ordinance No. O2014-0001

Sponsored by: <b>Councilmember Greenspan</b>	<b>An Ordinance</b> amending Section 407.15 of the Cuyahoga County Code to prohibit Nominees from making certain 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 407.15 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 or Employee~~ shall **knowingly** make **partisan** political contributions to or ~~solicit~~ **raise** funds for their own elected County employer. **Further, no Public Official shall make political contributions to or solicit funds for their** appointing authority and/or confirming authority **where the contribution or solicitation:**
1. **is intended to influence, or could reasonably be expected to influence, the employer, appointing authority, or confirming authority's decision in making the appointment, nomination, or confirmation; or**
  2. **is intended as a reward for making the appointment, nomination, or confirmation.**

~~Exempted from this total prohibition are voluntary employee contributions to candidates for any other public office.~~

- B. No Public Official shall **knowingly** solicit and/or accept **partisan** political contributions from individuals that they employ. **Further, no Public Official shall knowingly accept political contributions from any person who they** appoint or confirm **where the contribution:**
1. **is intended to influence, or could reasonably be expected to influence, the Public Official's decision in making the appointment, nomination, or confirmation; or**
  2. **is intended as a reward for making the appointment, nomination, or confirmation.**
- C. **The prohibitions in this Section shall apply equally to any person whose confirmation is pending before a County confirming authority.**

**SECTION 2:** 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 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: January 14, 2014

Committee(s) Assigned: Council Operations & Intergovernmental Relations

Journal \_\_\_\_\_  
\_\_\_\_\_, 2014

# County Council of Cuyahoga County, Ohio

## Ordinance No. O2014-0010

Sponsored by: <b>Councilmembers Connally and Simon</b>	<b>An Ordinance</b> amending Section 205.06 of the Cuyahoga County Code to incorporate changes to the composition and compensation of the Cuyahoga County Debarment Review Board, and declaring the necessity that this Ordinance become immediately effective.
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WHEREAS, Ordinance No. O2012-0026 was enacted on December 11, 2012 to create the Cuyahoga County Debarment Review Board; and,

WHEREAS, County Council desires to change the composition of the Cuyahoga County Debarment Review Board from the Cuyahoga County Fiscal Officer to a judge who has served within Cuyahoga County; and,

WHEREAS, County Council desires to provide a per diem compensation rate to the public members of the Cuyahoga County Debarment Review Board; 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 entity.

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

**SECTION 1.** Section 205.06(A)(1) of the Cuyahoga County Code is hereby amended to read as follows (deletions struck through and additions bolded and underlined):

1. ~~The Cuyahoga County Fiscal Officer.~~ **A person appointed by the Presiding Judge of the Cuyahoga County Common Pleas Court. This person shall be a person who served as a judge of the 8th District Court of Appeals, the Cuyahoga County Common Pleas Court, or any municipal court located within Cuyahoga County. The term of this person shall be for three years. The initial three year term shall be appointed for a term commencing July 1, 2014 and expiring on June 30, 2017;**

**SECTION 2.** Section 205.06(C)(1) of the Cuyahoga County Code is hereby amended to read as follows (deletions struck through and additions bolded and underlined):

1. The ~~County Executive~~ **Presiding Judge** shall appoint ~~one~~**two** alternates **who meets the qualifications set forth in Section 205.06(A)(1) of the Cuyahoga County Code** to act in the place of the **original appointee by the Presiding Judge** ~~Cuyahoga County Fiscal Officer~~ on the Debarment Review Board and attend meetings, with full voting rights, **if the person named to the Debarment Review Board by the Presiding Judge** ~~Fiscal Officer~~ is unavailable or has a conflict of interest on a matter pending before the Board.

**SECTION 3.** Section 205.06(D) of the Cuyahoga County Code is hereby amended to read as follows (deletions struck through and additions bolded and underlined):

**Officers:** The ~~Fiscal Officer~~ **appointee of the Presiding Judge of the Cuyahoga County Common Pleas Court** shall serve as Chairperson of the Debarment Review Board. If the ~~Fiscal Officer~~ **appointee of the Presiding Judge of the Cuyahoga County Common Pleas Court** is absent from any meeting, the Board shall choose one of its members to chair that meeting. For purposes of this section, the ~~Fiscal Officer~~ **appointee of the Presiding Judge of the Cuyahoga County Common Pleas Court** shall include his or her alternates.

**SECTION 4.** Section 205.06(E) of the Cuyahoga County Code is hereby amended to read as follows (deletions struck through and additions bolded and underlined):

**Compensation:** The members of the Debarment Review Board, **excluding the member of the Cuyahoga County Council appointed by the Council President**, shall ~~not~~ receive a compensation **rate of \$200.00 per diem** for their service on the **Debarment Review Board** and **the Chairperson of the Debarment Review Board shall receive a compensation rate of \$225.00 per diem for his or her service on the Debarment Review Board.** ~~Members of the Debarment Review Board shall be entitled to reimbursement of reasonable and necessary expenses incurred by them in the exercise of their duties.~~

**SECTION 5.** Section 205.06(I) of the Cuyahoga County Code is hereby amended to read as follows (deletions struck through and additions bolded and underlined):

**Special Meetings:** The Debarment Review Board may conduct special meetings at a time other than its regularly scheduled meeting times. In the event of an emergency as determined by the ~~Fiscal Officer~~ **appointee of the Presiding Judge of the Cuyahoga County Common Pleas Court**, the Board may conduct a meeting with less notice than that required under Section 205.06(G) herein. For any special or emergency meeting, in addition to the notice requirements of Section 205.06(G), the Clerk of the Board shall also send notice to all news media organizations that request to be notified of such meetings.

**SECTION 6.** 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 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: March 25, 2014

Committee(s) Assigned: Council Operations & Intergovernmental Relations

Journal \_\_\_\_\_  
\_\_\_\_\_, 20\_\_

# County Council of Cuyahoga County, Ohio

## Ordinance No. O2014-0015

Sponsored by: <b>Council President Connally/Department of Law</b>	<b>An Ordinance</b> enacting the Cuyahoga County Electronic Modernization Act by authorizing the electronic delivery and execution of legislation, contracts, and other instruments and documents.
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WHEREAS, Article III, Section 3.09 of the Cuyahoga County Charter provides that “the legislative power of the County, including the power to introduce, enact and amend ordinances and resolutions relating to all matters within the legislative power of the County, is vested in the Council”; and,

WHEREAS, Article III, Section 3.09 further states that “all powers of the Council shall be exercised by ordinance or resolution”; and,

WHEREAS, Article III, Section 3.10(3) provides that “all legislative action of a general or permanent nature shall be by resolution or ordinance introduced in written or printed form”; and,

WHEREAS, Article III, Section 3.10(5) provides, in pertinent part, that “each ordinance or resolution shall be signed by the presiding officer and promptly presented by the Clerk of Council to the County Executive for approval or disapproval”; and,

WHEREAS, Article III, Section 3.10(6) provides, in pertinent part:

If the County Executive approves a measure approved by Council and presented to him or her by the Clerk of Council, the resolution or ordinance shall be signed by the County Executive and returned to the Clerk of Council within ten days after its passage or adoption. If the County Executive does not approve a measure so presented, the County Executive shall return the measure to the Council with his or her written objections within ten days;

WHEREAS, the Charter does not prescribe the form of signature by the County Executive, Council President, or Clerk of Council necessary under the Charter to give legal effect to resolutions and ordinances; and,

WHEREAS, the Charter does not prescribe a specific method by which the Clerk of Council may present ordinances and resolutions approved by the County Council to the County Executive, nor does the Charter specify the method by which

the County Executive may return a measure to the Council with his signature if approved or with objections if vetoed;

WHEREAS, the United States Department of Justice has issued an official opinion on July 5, 2005, a copy of which is attached to this Ordinance as Exhibit A, which acknowledges that the President may constitutionally direct another to affix the President's signature to an act of congress:

[W]e conclude that the President need not personally perform the physical act of affixing his signature to a bill he approves and decides to sign in order for the bill to become law. Rather, the President may sign a bill within the meaning of Article I, Section 7 [of the U.S. Constitution] by directing a subordinate to affix the President's signature to such a bill, for example by autopen.

WHEREAS, Council has determined that the use of electronic signatures would enhance the efficient operation of the legislative process; and,

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

**SECTION 1.** Chapter 102 of the Cuyahoga County Code is hereby amended as follows:

(a) The term "Electronic Signature" is hereby added to the definitions in Chapter 102 as follows:

**"Electronic Signature"** shall mean an electronic sound, symbol, or process attached to or logically associated with a resolution, ordinance, contract, agreement, legal instrument, or other record and executed or adopted by a person with the intent to sign the record.

(b) The Clerk of Council shall affix the proper numbering for the term "Electronic Signature" in Chapter 102 and renumber the remaining definitions in the Chapter accordingly.

**SECTION 2.** Chapter 110 of the Cuyahoga County Code is hereby enacted as follows:

**Chapter 110: Electronic Delivery and Execution of Legislation, Contracts, and other Instruments and Documents**

**Section 110.01: Electronic Delivery and Execution of Legislation**

(a) **Electronic Delivery and Execution.** The presiding officer of Council who is required by Section 3.10(5) of the County Charter to sign each resolution and/or ordinance after its adoption by Council and the County Executive are hereby authorized and may elect to sign resolutions and ordinances by use of electronic signatures. The Clerk of Council is authorized to present resolutions and ordinances to the County Executive for approval or disapproval by electronic transmission and to sign by electronic signatures with regard to legislation. The County Executive is authorized to use electronic signatures and transmission to approve or disapprove any item presented to the Executive and to return it to the Council, including any objections under Section 3.10(6) of the County Charter, via electronic transmission.

(b) **Effect of Electronic Delivery and Execution.** The effect of an electronic signature affixed on a resolution or ordinance by the presiding officer of Council or his or her authorized designee shall be to fulfill the signature requirements contained Section 3.10(5) of the County Charter. The effect of the electronic transmission of a resolution or ordinance by the Clerk of Council or his or her authorized designee to the County Executive for approval or disapproval shall be to fulfill the requirement of Section 3.10(5) of the County Charter. The effect of an electronic signature affixed on a resolution or ordinance by the County Executive or his or her authorized designee for the purpose of approving a resolution or ordinance shall be to fulfill the signature requirement contained in Section 3.10(6) of the County Charter. The effect of the electronic transmission by the Executive or his or her authorized designee of the Executive's written objections to resolutions or ordinances shall fulfill the transmission requirements for disapproving resolutions and ordinances contained in Section 3.10(6) of the County Charter.

#### **Section 110.02: Electronic Execution of Contracts, Instruments, and other Documents**

The County Executive or his or her authorized designee may execute any contract, agreement, amendment, or any other legal instrument or document, including, but not limited to, documents and instruments for the issuance of bonds and public debt, using electronic signatures.

#### **Section 110.03: Procedures and Requirements for Electronic Delivery and Signatures**

(a) **Procedures for Electronic Delivery and Execution of Legislation.** The Department of Information Technology shall be responsible for developing and, as may be necessary, amending the manner, format, and security procedures governing the electronic delivery and execution of resolutions and ordinances, which shall be subject to the approval of the Director of Law. Upon being approved by the Director of Law, the procedures and any amendments shall be posted on the County's web site, with copies delivered via electronic mail to the County Executive, Council President, and their respective chiefs of staff. The County Executive or Council President may object to the proposed procedures or amendments within seven calendar days of their

electronic receipt of the procedures by submitting the objections to the Director of Law via electronic mail. If the Director of Law does not receive objections from either the County Executive or the Council President within the seven day period, the procedures or amendments shall go into effect on the eighth day of being posted online and submitted to the Executive and Council President.

**(b) Procedures for Electronic Execution of Contracts, Agreements, Instruments, and Other Documents.** The Department of Information Technology and the Office of Procurement and Diversity shall be responsible for developing and, as may be necessary, amending the manner, format, and security procedures for the electronic delivery and execution of contracts, agreements, instruments, and other documents other than legislation. These procedures shall be subject to the approval of the Director of Law and may go into effect as directed by the Director of 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 any of its committees that resulted 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: May 13, 2014  
Committee(s) Assigned: Council Operations & Intergovernmental Relations

Journal \_\_\_\_\_  
\_\_\_\_\_, 2014

# County Council of Cuyahoga County, Ohio

## Resolution No. R2014-

Sponsored by: <b>Councilmember Miller</b>	A <b>Resolution</b> providing for the submission to the electors of the County of Cuyahoga an amendment to Article XII, Section 12.09 of the Charter of Cuyahoga County adjusting the timeline for the appointment process and commencement of the term of the Charter Review Commission for the year in which the appointment is made; 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 adjust the timeline for the appointment process and the term of the Charter Review Commission requiring the appointment and confirmation be made before the first day of July and the term commence on the first day of September in the year in which the appointment is made.

### **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 4<sup>th</sup> day of November, 2014, the question of amending Article XII, Section 12.09 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 12.09 CHARTER REVIEW COMMISSION.**

**Following the appointment of the initial Charter Review Commission in 2012,** commencing ~~in September 2012,~~ ~~in September 2017,~~ and at intervals of ten years thereafter, the County Executive, ~~with the confirmation of the Council,~~ shall **before the first day of July** appoint a Charter Review Commission. **Charter Review Commission**

**appointments shall be subject to Council confirmation. The Charter Review Commission shall consist** ~~consisting~~ of nine electors of the County, no more than five of whom may be of the same political party, and no more than two of whom may be an officer or employee of the County. Appointment to the Charter Review Commission shall be for a term of one year **commencing on the first day of September in the year in which the appointment is made.** Members of the Charter Review Commission shall serve without pay and shall serve on no more than three consecutive Charter Review Commissions, unless such service is within a ten-year period. The Council shall establish rules and procedures for the operation of the Charter Review Commission and the County Executive shall provide the Commission necessary staff services.

The initial Charter Review Commission shall include in its deliberations consideration of changes in this Charter for the purpose of providing more effective representation of indigent defendants, for adequate funding and support for the operation of the office of the County public defender, and for the appropriate method for selection of the County public defender.

The Charter Review Commission may propose to the Council such amendments to this Charter as it shall deem appropriate. The final report of each Charter Review Commission, which shall include all proposed charter amendments and a summary of the Commission's activities, shall be transmitted to the Council for consideration by the first day of July following the formation of the Charter Review Commission. The Council shall vote within sixty days after the proposals are received on whether or not to submit the proposals to the electors at the next general election held more than sixty days after its vote on the proposed amendments.

**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 amending Article VI, Sections 6.01 and 6.02, and Article XI, Section 11.01 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 XII, Section 12.09 of the Charter of the County of Cuyahoga be amended to require that the County Executive, before the first day of July, appoint a Charter Review Commission subject to the confirmation of Council and to require the Commission's term commence on the first day of September in the year in which the appointment is made?**

**SECTION 3.** If the foregoing proposal receives the affirmative vote of a majority of the electors voting thereon, the existing provisions of Article XII, Section 12.09 to the extent that they 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 4, 2014 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 amendment to be properly placed on the November 4, 2014 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 \_\_\_\_\_, seconded by \_\_\_\_\_, the foregoing Resolution was duly adopted.

Yeas:

Nays:

\_\_\_\_\_  
County Council President

\_\_\_\_\_  
Date

\_\_\_\_\_  
Clerk of Council

\_\_\_\_\_  
Date

First Reading/Referred to Committee:

Committee(s) Assigned:

Journal \_\_\_\_\_  
\_\_\_\_\_, 2014

# County Council of Cuyahoga County, Ohio

## Resolution No. R2014-

Sponsored by: <b>Councilmember Miller</b>	<b>A Resolution</b> providing for the submission to the electors of the County of Cuyahoga an amendment to Article III, Section 3.03 of the Charter of Cuyahoga County preventing the disqualification of a Council member from serving the full term to which the member has been elected due to redistricting; 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 prevent the disqualification of a Council member from serving the full term to which the member has been elected due to redistricting.

### **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 4<sup>th</sup> day of November, 2014, the question of amending Article III, Section 3.03 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 3.03 RESIDENCY REQUIREMENT**

A Council candidate shall have been an elector of the County for at least two years immediately prior to filing of a declaration of candidacy or appointment to fill a vacancy and shall also have been a resident of the district he or she wishes to serve for at least thirty days immediately prior to filing of candidacy or appointment to fill a vacancy. Once elected or appointed, Council members shall reside within **their respective**

**districts during the tenure of their terms; however, a Council member shall not be disqualified from serving the full term to which the member has been elected due to redistricting.** ~~the County, and members elected from districts shall reside within their respective districts, during the tenure of their terms.~~

**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 amending Article III, Section 3.03 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 III, Section 3.03 Residency Requirement of the Charter of the County of Cuyahoga be amended to prevent the disqualification of a Council member from serving the full term to which the member has been elected due to redistricting?**

**SECTION 3.** If the foregoing proposal receives the affirmative vote of a majority of the electors voting thereon, the existing provisions of Article III, Section 3.03 to the extent that they 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 4, 2014 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 amendment to be properly placed on the November 4, 2014 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 \_\_\_\_\_, seconded by \_\_\_\_\_, the foregoing Resolution was duly adopted.

Yeas:

Nays:

\_\_\_\_\_  
County Council President

\_\_\_\_\_  
Date

\_\_\_\_\_  
Clerk of Council

\_\_\_\_\_  
Date

First Reading/Referred to Committee:  
Committee(s) Assigned:

Journal \_\_\_\_\_  
\_\_\_\_\_, 2014



# CHARTER REVIEW FORM

<b>Sponsor's Name:</b> Councilwoman Yvonne Conwell
<b>GENERAL TOPIC</b>
Renaming the legislative body of the County
<b>CHARTER SECTION(S) AFFECTED</b>
This amendment would principally amend Article III of the Charter, but would require various amendments throughout the document.
<b>CURRENT LANGUAGE OF SECTIONS AFFECTED</b>
Section 3.01 Election The Council shall be the legislative authority and taxing authority of the County and a co-equal branch of the County government with the executive branch. It shall consist of eleven members, who shall be nominated and elected as provided in this Charter and in the manner provided by general law for county officers. During their terms in office, Council members shall remain electors of the County and shall not hold or accept any other County office or be employed by the County and shall serve in a part-time capacity.
<b>SUMMARY AND RATIONALE FOR CHANGE</b>
The use of the term "Council" has created some confusion for constituents who may expect the County to provide services or perform functions that are traditionally municipal in nature. This amendment seeks to distinguish the County's legislative body from municipal legislatures, as these entities currently play substantially different roles in local governance. Alternatives include: <ul style="list-style-type: none"> <li>• Legislative Assembly</li> <li>• Board of Directors</li> <li>• Board of Representatives</li> <li>• Board of Supervisors</li> <li>• Board of Commissioners</li> <li>• Board of Chosen Freeholders</li> </ul>
<b>PROPOSED LANGUAGE (WITH DELETIONS CROSSED OUT AND ADDITIONS BOLDED)</b>
Section 3.01 Election The <del>Council</del> <b>[Chosen Title]</b> shall be the legislative authority and taxing authority of the County and a co-equal branch of the County government with the executive branch. It shall consist of eleven members, who shall be nominated and elected as provided in this Charter and in the manner provided by general law for county officers. During their terms in office, <b>[Chosen Title]</b> members shall remain electors of the County and shall not hold or accept any other County office or be employed by the County and shall serve in a part-time capacity.  All references to "Council" or "the Council" would be replaced by the newly designated title