



**AGENDA**  
**CUYAHOGA COUNTY COUNCIL OPERATIONS & INTERGOVERNMENTAL**  
**RELATIONS COMMITTEE MEETING**  
**TUESDAY, JULY 21, 2015**  
**CUYAHOGA COUNTY ADMINISTRATIVE HEADQUARTERS**  
**C. ELLEN CONNALLY COUNCIL CHAMBERS – 4<sup>TH</sup> FLOOR**  
**3:00 PM**

- 1. CALL TO ORDER**
- 2. ROLL CALL**
- 3. PUBLIC COMMENT RELATED TO THE AGENDA**
- 4. APPROVAL OF MINUTES FROM THE JULY 7, 2015 MEETING**
- 5. MATTERS REFERRED TO COMMITTEE**
  - a) O2015-0012: An Ordinance amending Section 407.27 of the Cuyahoga County Code establishing recusal requirements for appointees to county boards and commissions, and declaring the necessity that this Ordinance become immediately effective.
  - b) R2015-0130: A Resolution providing for the submission to the electors of the County of Cuyahoga an amendment to Article IX, County Employment Practices, specifying the responsibilities of the Personnel Review Commission, reallocating some responsibilities to the Department of Human Resources and prohibiting discrimination in employment in County government based on gender identity; and declaring the necessity that this Resolution become immediately effective.
- 6. MISCELLANEOUS BUSINESS**
- 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, JULY 7, 2015

CUYAHOGA COUNTY ADMINISTRATIVE HEADQUARTERS

C. ELLEN CONNALLY COUNCIL CHAMBERS – 4<sup>TH</sup> 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, Simon, Brady, Germana and Greenspan were in attendance and a quorum was determined.**

#### 3. PUBLIC COMMENT RELATED TO THE AGENDA

**No public comments were given.**

#### 4. APPROVAL OF MINUTES FROM THE JUNE 30, 2015 MEETING

**A motion was made by Mr. Germana, seconded by Mr. Greenspan and approved by unanimous vote to approve the minutes of the June 30, 2015 meeting.**

#### 5. MATTER REFERRED TO COMMITTEE

- a) R2015-0116: A Resolution providing for the submission to the electors of the County of Cuyahoga an amendment to Article XI, Section 11.01 of the Charter of Cuyahoga County to ensure the independence of the auditing function by providing that the County Audit Committee consist of the President of Council and four residents of the county with experience in the field of auditing who are to be appointed by the

County Executive and confirmed by Council, and declaring the necessity that this Resolution become immediately effective.

**Mr. Miller addressed the Committee regarding Resolution No. R2015-0116. Discussion ensued.**

**Mr. Miller introduced a proposed substitute to Resolution No. R2015-0116. 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. Greenspan, Resolution No. R2015-0116 was considered and approved by unanimous vote to be referred to the full Council agenda for second reading, as substituted.**

#### 6. DISCUSSION

- a) Preliminary discussion of any other possible Charter Amendments for 2015

**Mr. Egdilio Morales, Assistant Law Director, addressed the Committee regarding a proposed amendment to Article IX of the Cuyahoga County Charter. Discussion ensued.**

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

#### 7. MISCELLANEOUS BUSINESS

**Mr. Miller announced that the next Council Operations & Intergovernmental Relations Committee meeting will be tentatively scheduled for July 21, 2015 at 3:30 p.m.**

#### 8. OTHER PUBLIC COMMENT

**No public comments were given.**

#### 9. ADJOURNMENT

**With no further business to discuss and on a motion by Mr. Brady with a second by Mr. Miller, the meeting was adjourned at 3:45 p.m., without objection.**

# County Council of Cuyahoga County, Ohio

## Ordinance No. O2015-0012

Sponsored by: <b>Councilmember Greenspan and County Executive Budish</b>	<b>An Ordinance</b> amending Section 407.27 of the Cuyahoga County Code establishing recusal requirements for appointees to county boards and commissions, and declaring the necessity that this Ordinance become immediately effective.
Co-sponsored by: <b>Councilmember Miller</b>	

WHEREAS, Section 407.27 of the Cuyahoga County Code establishes the ethical requirements for the making of appointments by County appointing authorities to “boards, commissions, and advisory boards;” and,

WHEREAS, paragraph (C) of Section 407.27 of the Cuyahoga County Code prohibits County appointing authorities from appointing anyone who has “an interest in one or more contracts in effect with, or under consideration by, the Board, commission or other body to which the appointment is being made;” and,

WHEREAS, Council has determined that the aforementioned prohibition unnecessarily precludes willing and qualified applicants from serving on such boards, commissions, and advisory boards; and,

WHEREAS, In the event an appointee to a board, commission, or advisory board has an interest in any matter that comes before the public body, the appointee shall be required to recuse himself or herself from taking any action on the matter, including voting, discussing, deliberation, and formally or informally lobbying; and.

WHEREAS, In the event an appointee fails to comply with the recusal requirements established herein, he or she shall be subject to removal and the matter may be referred to the Inspector General for investigation; 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.** Chapter 407 of the Cuyahoga County Code is hereby amended to read as follows (deletions struck through and additions bolded and underlined):

Section 407.27 Boards, Commissions and Advisory Board Appointments

A. Unless such appointment is provided for by statute, by the County Charter, the County ~~Code Ordinance~~ or otherwise by operation of law, no County appointing authority shall appoint any person to a Board, commission or advisory Board who has any of the following conflicts of interest with the intended board's objective and impartial operations:

1. ~~A.~~An elected or appointed employee of the County during the 12 months immediately preceding the Board appointment may not be appointed to any board, commission or advisory board if the Ohio Attorney General's Index of Compatibility of Public Offices and Positions provides that such appointment is incompatible with the elected or appointed employee's position with the County. If the Index does not address the appointment, the County appointing authority shall request the opinion of the Inspector General on whether the appointment is incompatible, and the Inspector General or his or her designee in the Inspector General's office shall provide said opinion within a reasonable time based on the circumstances, but not to exceed ten (10) working days;

2. ~~B.~~One or more Full Family members or Business Associates serving on the same Board, commission or advisory board; or

~~B.~~ An interest in one or more contracts in effect with, or under consideration by, the Board, commission or other body to which the appointment is being made.

B. **Any person appointed to a board or commission by a county appointing authority shall recuse himself or herself from taking any action, including voting, discussing, deliberating, and formally or informally lobbying, on any matter where any of the following individuals would receive anything of value:**

1. **the appointee,**

2. **his or her family,**

3. **his or her business associates, or**

4. **others with whom he or she has a relationship that would affect his or her objectivity, would receive anything of value.**

C. **The failure of any appointee to comply with paragraph (B) of this Section shall be deemed sufficient grounds for removal from the position by the board, commission, or appointing authority, and the matter may be referred to the Inspector General.**

**SECTION 2.** It is necessary that this Ordinance become immediately effective



# County Council of Cuyahoga County, Ohio

## Resolution No. R2015-0130

Sponsored by: <b>County Executive Budish</b>	<b>A Resolution</b> providing for the submission to the electors of the County of Cuyahoga an amendment to Article IX, County Employment Practices, specifying the responsibilities of the Personnel Review Commission, reallocating some responsibilities to the Department of Human Resources and prohibiting discrimination in employment in County government based on gender identity; 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 Article IX of the County Charter to clarify the roles of the Personnel Review Commission and of the Department of Human Resources.

**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, Sections 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 3rd day of November, 2015, the question of amending Article IX 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:

## ARTICLE IX--COUNTY EMPLOYMENT PRACTICES

**The County's human resources policies and systems, including ethics policies for County employees and the classification plan for non-bargaining civil service employees, shall be established by ordinance and shall be administered in such manner as will eliminate unnecessary expense and duplication of effort, while ensuring that persons will be employed in the public service without discrimination on the basis of race, color, religion, sex, national origin, sexual orientation, gender identity, disability, age or ancestry.**

### SECTION 9.01 PERSONNEL REVIEW COMMISSION.

There shall be a Personnel Review Commission **whose primary function shall be to serve as a quasi-judicial body that adjudicates employment disputes brought by non-bargaining employees in the classified civil service of the County.** The Council shall appoint the members of the Personnel Review Commission, consisting of three electors of the County having experience in personnel matters or personnel administration and who are supportive of equal opportunity considerations. No more than two of the three members of the Personnel Review Commission shall be members of the same political party. **Within the budgetary parameters established by Council,** the Personnel Review Commission is authorized to employ persons in the service of the County **that are necessary to fulfill its mission.** The Personnel Review Commission shall be responsible for administering, for and in cooperation with the officers, agencies, boards and commissions of the County, an efficient and economical ~~system~~ **classification plan adopted by Council through ordinance** for the employment of persons **hired by the County** in the ~~public~~ **non-bargaining classified civil** service of the County according to merit and fitness. **The classification plan adopted by Council shall include technical, specialist, administrative and clerical classifications and an assigned pay grade for each classification.** ~~The County's human resources policies and systems, including ethics policies for County employees, shall be established by ordinance and shall be administered in such manner as will eliminate unnecessary expense and duplication of effort, while ensuring that persons will be employed in the public service without discrimination on the basis of race, color, religion, sex, national origin, sexual orientation, disability, age or ancestry.~~ The Personnel Review Commission shall submit a recommendation regarding any ordinance concerning County personnel policies prior to passage by County Council. In the event the Personnel Review Commission does not endorse an ordinance, the Personnel Review Commission may provide a Statement of Non-Endorsement to the County Council.

The term of office of each member of the Personnel Review Commission shall be six years. The terms shall be staggered so that no term expires within less than two years of the expiration of any other term. The Council shall fill a vacancy occurring for an unexpired term in the same manner as a regular appointment.

~~Of the terms of office for the initial appointees, one shall be appointed for a term of six years, one shall be appointed for a term of four years and one shall be appointed for a term of two years. The County Executive shall nominate the initial appointees to the Personnel Review Commission not later than March 1, 2011 and thereafter within thirty days after the occurrence of a vacancy. The members of the Personnel Review~~

Commission serving as of the effective date of this provision may serve until their existing term expires and may be subject to reappointment by Council.

No member of the Personnel Review Commission shall hold any other public office or public employment with the County. The Council shall establish a per diem compensation for the members of the Personnel Review Commission.

The Council may remove any member of the Personnel Review Commission for inefficiency, neglect of duty or malfeasance in office after notice and public hearing before the Council, provided that two-thirds of the members of the Council concur.

#### SECTION 9.02 AUTHORITY OF PERSONNEL REVIEW COMMISSION.

The Personnel Review Commission shall have:

(1) ~~Responsibility for the resolution or disposition of all personnel matters, with a~~ Authority to appoint hearing officers to hear all employee appeals previously under the jurisdiction of the State Personnel Board of Review **who shall provide recommendations to the Commission regarding the disposition of appeals brought by non-bargaining classified employees**, including those of **non-bargaining** classified employees who work for **Council**, the County Executive, Prosecuting Attorney, County Planning Commission, and the County Public Defender;

~~(2) Responsibility for administration of compliance with federal and state laws regarding personnel matters within the County Executive's organization and departments;~~

**(2) Responsibility for administering the non-bargaining classification plan for classified civil service employees that is adopted by Council through ordinance, including developing civil service tests, in consultation with the Department of Human Resources and the affected departments or agencies, and reviewing qualifications to be included in the classification plan;**

~~(3) For the County Executive's organization and departments, authority~~ **responsibility** to ensure:-

- ~~P~~pay equity for **employees in** like positions;~~and~~
- Standardization of benefits;
- Approval of qualifications;
- ~~C~~onsistent discipline;~~through the adjudication of appeals that are within the Commission's jurisdiction.~~
- Training of management in personnel practices;
- Training of employees in job functions;
- Training for total quality management;
- Consistent administration of performance management system;
- Coordination of recruitment; and
- Compliance with ethics resolutions or ordinances as passed by the Council; and

(4) Responsibility for creation of rules and policies related to the Personnel Review Commission's authority set forth in this Charter in accordance with ~~the human resources policies established by~~ **all** ordinances; and

(5) Such other functions as may be deemed necessary by the Council for the Personnel Review Commission to carry out its mission and purpose.

#### **SECTION 9.03 DEPARTMENT OF HUMAN RESOURCES.**

**There shall be a Department of Human Resources, which shall be responsible for administering County employment matters including, but not limited to, hiring, firing, discipline, layoffs, benefits, time and attendance, and compliance with human resources policies and procedures. The Department shall be responsible for administration of compliance with federal and state laws regarding personnel matters; promotion of pay equity for employees in like positions, standardization of benefits; and training in human resources policies and procedures.**

#### **SECTION 9.04 DIRECTOR OF HUMAN RESOURCES: POWERS, DUTIES AND QUALIFICATIONS.**

**The Director of Human Resources shall be appointed by the County Executive, subject to confirmation by Council, and shall serve at the pleasure of the County Executive. The Director of Human Resources shall manage County employment matters including, but not limited to, the employment matters listed in Section 9.03 and drafting Human Resources policies and procedures. The Director shall be responsible for offering support to the Law Department on all labor and employment matters. The Director of Human Resources shall have a minimum of five years of experience advising or working in employment related matters, management experience or related relevant experience.**

#### **SECTION 9.035 CLASSIFICATION PLAN.**

~~The Personnel Review Commission shall administer a clear, countywide classification and salary administration system for technical, specialist, administrative and clerical functions with a limited number of broad pay ranges within each classification.~~ The classification system **plan described in Section 9.01** shall include the employees of the offices listed in Article V of this Charter, as well as those of the County Executive and County Council except those employees in positions designated as unclassified by general law. The classification system **plan** shall, to the extent permitted by the Ohio Constitution, include the employees of all offices, officers, agencies, departments, boards, commissions or other public bodies, other than separate political subdivisions, that are supported in whole or in part from taxes levied, or other financial assistance provided, by the County.

#### **SECTION 9.046 APPOINTING AUTHORITIES.**

The County Executive and the officers, offices, agencies, departments, boards and commissions and other public bodies, who under this Charter or under general law are authorized to employ persons in the service of the County, shall be appointing authorities. Persons interested in employment with the County shall make application to the Department of Human Resources. No appointing authority shall appoint a person to fill a vacancy in the classified service who does not meet the qualifications for that position **as provided for in the classification plan described in Section**

~~9.01 approved by the Personnel Review Commission.~~ All Appointing Authorities shall strive in making appointments in both the classified and the unclassified service to ensure that the diversity of the population of the County is reflected in the persons who are employed by the County.

~~SECTION 9.05 DEPARTMENT OF HUMAN RESOURCES.~~

~~There shall be a Department of Human Resources, which shall, as part of its duties, perform such functions on behalf of the Personnel Review Commission as the Commission shall delegate. The Department of Human Resources shall provide regular reports to the Personnel Review Commission regarding the Department's performance of such delegated functions in accordance with timeframes established by the Personnel Review Commission.~~

~~SECTION 9.06 DIRECTOR OF HUMAN RESOURCES: POWERS, DUTIES AND QUALIFICATIONS.~~

~~The Director of Human Resources shall be appointed by the Executive, subject to confirmation by Council, and shall serve at the pleasure of the County Executive. The Director of Human Resources shall manage County employment matters including hiring, firing, discipline, layoffs, training, benefits, time and attendance, HR compliance, and drafting policies and procedures. The Director shall be responsible for offering support to the Law Department on all labor and employment matters. The Director of Human Resources shall have a minimum of five years of experience advising or working in the public sector, experience in employment related matters, management experience or related relevant experience.~~

**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 IX 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 IX of the Charter of the County of Cuyahoga be amended to specify the responsibilities of the Personnel Review Commission, to reallocate some responsibilities to the Department of Human Resources, and to prohibit discrimination in employment in County government based on gender identity?**

**SECTION 3.** If the foregoing proposal receives the affirmative vote of a majority of the electors voting thereon, the existing provisions of Article IX which 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 3, 2015 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

