



AGENDA
CUYAHOGA COUNTY COUNCIL OPERATIONS & INTERGOVERNMENTAL RELATIONS
COMMITTEE MEETING
MONDAY, AUGUST 25, 2014
CUYAHOGA COUNTY ADMINISTRATIVE HEADQUARTERS
COUNCIL CHAMBERS – 4TH 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 19, 2014 MEETING**
- 5. MATTERS REFERRED TO COMMITTEE**
 - a) O2014-0016: An Ordinance amending Section 106.06 of the Cuyahoga County Code to establish copying costs for public records.
 - b) O2014-0022: An Ordinance enacting the County Executive Transition Act, and declaring the necessity that this Ordinance become immediately effective.
- 6. DISCUSSION**
 - a) Agency of the Inspector General Semiannual Report
 - b) Update regarding Department of Regional Collaboration initiatives
- 7. MISCELLANEOUS BUSINESS**
- 8. OTHER PUBLIC COMMENT**

9. 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.*



MINUTES

CUYAHOGA COUNTY COUNCIL OPERATIONS & INTERGOVERNMENTAL RELATIONS
COMMITTEE MEETING
MONDAY, MAY 19, 2014
CUYAHOGA COUNTY JUSTICE CENTER
COUNCIL CHAMBERS – 1ST FLOOR
9:00 AM

1. CALL TO ORDER

Chairman Greenspan called the meeting to order at 9:04 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. Councilmember Conwell was also in attendance.

Pursuant to Rule 12F of the Council Rules, Council President Connally appointed Councilmember Conwell as a Member Pro Tem of the Council Operations & Intergovernmental Relations Committee.

3. PUBLIC COMMENT RELATED TO THE AGENDA

No public comments were given.

4. APPROVAL OF MINUTES FROM THE MAY 5, 2014 MEETING

A motion was made by Mr. Miller, seconded by Mr. Gallagher and approved by unanimous vote to approve the minutes of the May 5, 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, and 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. King and Mr. Boyle pertaining to the item, which they answered accordingly.

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

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

A motion was made by Mr. Greenspan and seconded by Mr. Miller to refer Ordinance No. O2014-0001 to the full Council agenda for second reading, as substituted. The motion failed on a roll-call vote of 2 yeas and 3 nays with Committee members Greenspan and Miller casting the only affirmative votes.

Mr. Greenspan requested to have Ordinance No. O2014-0001 withdrawn from the Committee's consideration.

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

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

A motion was then made by Ms. Connally, seconded by Mr. Gallagher and approved by unanimous vote to amend Ordinance No. O2014-0010 by inserting *"This person shall be an elector of the County and"* in Section 205.06(A)(1).

On a motion by Ms. Connally with a second by Mr. Gallagher, Ordinance No. O2014-0010 was considered and approved by unanimous vote to be referred to the full Council agenda for second reading, as amended.

- c) O2014-0015: An Ordinance enacting the Cuyahoga County Electronic Modernization Act by authorizing the electronic delivery and execution of legislation, contracts, and other instruments and documents.

Mr. Majeed Makhlouf, Law Director, and Mr. Trevor McAleer, Legislative Budget Advisor, addressed the Committee regarding Ordinance No. O2014-0015. Discussion ensued.

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

On a motion by Ms. Connally with a second by Mr. Gallagher, Ordinance No. O2014-0015 was considered and approved by unanimous vote to be referred to the full Council agenda for second reading.

6. DISCUSSION REGARDING PROPOSED CHARTER AMENDMENTS

- a) Appointment of the Charter Review Commission

Mr. Miller addressed the Committee regarding amending the Charter relating to requiring earlier appointments for members of the Charter Review Commission. Discussion ensued.

Mr. Boyle addressed the Committee regarding the current appointment process for the Charter Review Commission. Discussion ensued.

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

- b) Residency requirement for Councilmembers during redistricting

Mr. Miller addressed the Committee regarding amending the Charter relating to changing the residency requirement for Councilmembers during redistricting. Discussion ensued.

Mr. King addressed the Committee regarding residency requirements under the Charter for Councilmembers. Discussion ensued.

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

- c) Rename the legislative body of the County

Ms. Conwell addressed the Committee regarding amending the Charter relating to changing the name of County Council. Discussion ensued.

Mr. Kahlil Seren, Research and Policy Analyst, discussed proposed alternatives and provided the Committee with a list of names of other legislative bodies. Discussion ensued.

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

- d) Remove party affiliation and require non-partisan elections for positions for County Council and County Executive

Mr. Greenspan addressed the Committee regarding amending the Charter relating to removing party affiliation and requiring non-partisan elections for County Councilmembers and the County Executive. Discussion ensued.

Mr. Boyle addressed the Committee regarding the current election process and succession. Discussion ensued.

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

7. MISCELLANEOUS BUSINESS

There was no miscellaneous business.

8. OTHER PUBLIC COMMENT

No public comments were given.

9. ADJOURNMENT

With no further business to discuss, Chairman Greenspan adjourned the meeting at 10:38 a.m., without objection.

County Council of Cuyahoga County, Ohio

Ordinance No. O2014-0016

Sponsored by: Councilmembers Miller, Conwell and Germana	An Ordinance amending Section 106.06 of the Cuyahoga County Code to establish copying costs for public records.
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WHEREAS, Section 149.43 et seq. of the Ohio Revised Code governs the availability of public records for inspection and copying; and

WHEREAS, Chapter 106 of the Cuyahoga County Code governs the public records policy of Cuyahoga County, which was originally enacted by Ordinance No. O2011-0012 and was thereafter amended and codified by Ordinance No. O2013-0002; and

WHEREAS, Section 106.06 of the County Code establishes the copy costs for public records, and further provides that County Council shall biennially determine and establish the copying costs for public records; and,

WHEREAS, Council now wishes to update and clarify the copying costs of public records for the public offices of Cuyahoga County; and,

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

SECTION 1: Section 106.06 of the Cuyahoga County Code is hereby amended to read as follows:

A. County Council to Determine Costs for Public Records

Unless otherwise provided in this Section, persons requesting copies of public records shall be required to pay for the cost of copies and/or delivery or transmission of public records. No charge for public records shall exceed the actual cost of making copies, packaging, postage, and any other costs of the method of delivery or transmission chosen by the requestor, except as otherwise provided by court order or law.

B. Costs for Public Records

Except as otherwise provided by court order or law, the copying costs for public records shall not exceed the following rates:

1. The charge for paper copies shall not exceed \$0.03 per page. The charge for paper copies shall be waived when the total cost of copying is less than \$1.00.

2. The charge for electronic copies provided on a compact disc, USB flash drive, or other data storage device shall not exceed \$1.00 per gigabyte of storage space available on the device.
3. There shall be no charge for electronic copies provided via email, facsimile, or other electronic transmission; provided, however, that a public office may charge up to \$0.03 per page when it is necessary to copy or print records for the purpose of redaction.

A public office may require payment in advance, or may waive copying and delivery costs when it determines it is cost-effective to do so, provided that the public office follows a consistent policy for all requests.

SECTION 2: 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: May 27, 2014

Committee(s) Assigned: Council Operations & Intergovernmental Relations

Journal _____
 _____, 2014

County Council of Cuyahoga County, Ohio

Ordinance No. O2014-0022

Sponsored by: Councilmember Brady	An Ordinance enacting the County Executive Transition Act, and declaring the necessity that this Ordinance become immediately effective.
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WHEREAS, Council seeks to promote the orderly transfer of executive power in connection with the expiration of the term of a County Executive and the inauguration of a new County Executive; and,

WHEREAS, it is in the County's interest to avoid or minimize any disruption to ongoing operations and the provision of services to County citizens; 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 102.01 of the Cuyahoga County Code is hereby amended to insert subsection (J) as follows; and the following subsections shall be renumbered accordingly:

- J. **"Executive-elect"** shall mean such person as is the apparent successful candidate for the office of County Executive as ascertained by the Director of Law following the general elections held for the office of County Executive.

SECTION 2: Chapter 111 of the Cuyahoga County Code is hereby enacted to read as follows:

Chapter 111: Confirmation of Executive Appointments

Section 111.01 Submission of appointment by Executive-elect

- A. The Executive-elect may submit the name of any appointment requiring confirmation of Council to the Clerk of Council following the certification by the Board of Elections of results of the election for County Executive. The Council may conduct confirmation hearings and may vote to confirm or reject the Executive-elect's nominees following the submission of such appointment.

- B. No appointment confirmed pursuant to this Section shall go into effect prior to the Executive-elect's assumption of office as County Executive.
- C. No appointment submitted to Council pursuant to this Section shall be "deemed confirmed" without action of the Council unless Council fails to act within sixty days from the date on which the Executive-elect assumes office as County Executive.

SECTION 3. Chapter 112 of the Cuyahoga County Code is hereby enacted to read as follows:

Chapter 112. Legal Services for Executive-elect and Office of the Executive-elect

Section 112.01 Executive-elect and the Office of the Executive-elect's Access to Legal Representation and Attorney-Client Privilege

- A. The Executive-elect and the Office of the Executive-elect shall have the right to receive legal advice, opinions, and representation from the Law Department.
- B. The Law Department shall add the Executive-elect and the Office of the Executive-elect as clients with full rights, including the ability to access the Law Department's electronic intake system as clients.
- C. In receiving legal advice, opinions, and representation from the Law Department, the Executive-elect and the Office of the Executive-elect shall each be entitled to their own attorney-client privilege with the Law Department as their legal counsel. The Law Department shall take the necessary measures to protect the confidentiality of its communications with the Executive-elect and the Office of the Executive-elect, including protection from disclosure of such communications to the Executive or Council.

SECTION 4: Section 202.19 of the Cuyahoga County Code is hereby enacted to read as follows:

Section 202.19 Office of the Executive-elect

- A. Not sooner than the second Monday in November in each year in which a new County Executive is elected, the Executive-elect may appoint no more than five immediate staff members to the Office of the Executive-elect. The Office of the Executive-elect shall assist the Executive-elect in preparing for the assumption of official duties as County Executive. All operations of the Office of the Executive-elect shall terminate no later than January 15 of the year following the election for County Executive.
- B. Employees of County agencies may be detailed to the Office of the Executive-elect with the consent of the County Executive and the director of their

respective agency; and, while so detailed, such employees shall be responsible only to the Executive-elect. Any employee so detailed shall continue to receive the compensation provided for regular employment.

- C. Employees of the Office of the Executive-elect shall serve in a temporary, unclassified capacity; provided however that those employees detailed from other County agencies shall retain the rights and privileges of their permanent employment without interruption.
- D. The Council shall make appropriations in the operating budget for the fiscal year in which a new Executive is elected for the payment of salaries of staff of the Office of the Executive-elect and other reasonable expenses of the Executive-elect during the period of transition. All funds appropriated for carrying out the purposes of this Section shall not exceed \$250,000 for any one County Executive transition period. The County Executive shall include in the biennial budget transmitted to Council a proposed appropriation for carrying out the purposes of this Section for each fiscal year in which his or her regular term of office will expire. In the event the Executive-elect is the incumbent County Executive, appropriations made pursuant to this section shall not be used for transition activities, and shall instead be returned to the general fund.
- E. County Departments operating under the authority of the County Executive shall each, upon request, provide those services, facilities, and equipment as may be reasonably necessary for the Office of the Executive-elect to carry out its official duties.

SECTION 5: 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 6: 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: August 12, 2014

Committee(s) Assigned: Council Operations & Intergovernmental Relations

Journal _____
_____, 2014