

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.
Co-sponsored by: Councilmember Miller	

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. Chapters 111 and 112 of the Cuyahoga County Code are hereby enacted to read as follows:

Chapter 111. Legal Services for Executive-elect and Office of the Executive-elect

Section 111.01 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.

Chapter 112. Interim Appointments

Section 112.01 New Executive's Interim Appointments

A new County Executive may make interim appointments for up to 120 days without Council confirmation in accordance with Section 2.03(2) of the County Charter, notwithstanding the status or length of service of previous interim appointments made by a predecessor Executive.

SECTION 3: 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 4: 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 5: 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 Mr. Schron, seconded by Mr. Miller, the foregoing Ordinance was duly enacted.

Yeas: Hairston, Simon, Greenspan, Miller, Brady, Germana, Gallagher, Schron, Conwell, Jones and Connally

Nays: None

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

Additional Sponsorship Requested: September 15, 2014

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