

County Council of Cuyahoga County, Ohio

Ordinance No. O2015-0001

Sponsored by: Councilmember Greenspan	An Ordinance amending Chapter 114 of the Cuyahoga County Code to ensure transparency and equity across county appointees, and declaring the necessity that this Ordinance become immediately effective.
Co-sponsored by: Councilmember Conwell	

WHEREAS, Article II, Section 2.03 (2) of the Charter of Cuyahoga County, empowers the County Executive to “appoint, subject to the confirmation by the Council, and remove County directors and officers and members of boards, agencies, commissions and authorities;” and,

WHEREAS, Article II, Section 2.03 (2) of the Charter states that “if the Council shall fail to act on the question of such an appointment by the County Executive within sixty days of the date that the County Executive submits such appointment to the Council for its consideration, that appointment shall be deemed confirmed without further action by the Council;” and

WHEREAS, Article II, Section 2.03 (2) of the Charter further states that “the County Executive may appoint interim officers to serve as any departmental director, as Inspector General, or in any position outlined in Article V of this Charter without confirmation by the Council for a period not to exceed 120 days;” and,

WHEREAS, Article II, Section 2.03 (2) of the Charter states “the County Executive and the Council shall use good faith efforts to reflect the diversity of the people of the County in appointing such officers and members;” and,

WHEREAS, Article XII, Section 12.07 of the Charter states “[a]ll officers and members of boards, agencies, commissions and authorities appointed by the County Executive, the Council or other County elected officials... shall be appointed, employed, promoted, and compensated without regard to their race, color, religion, sex, national origin, sexual orientation, disability, age, or ancestry;” and,

WHEREAS, Ordinance No. O2014-0030, as codified in Chapter 114 of the County Code, establishes standardized criteria to fully evaluate candidates submitted to Council for appointment, and to ensure the foregoing Charter principles are consistently upheld; and,

WHEREAS, Council seeks to ensure equity is maintained across county appointees in accordance with the laws and charter of Cuyahoga County; and

WHEREAS, it is necessary that this Ordinance become immediately effective in order that critical services provided by Cuyahoga County can continue, to provide for the usual, daily operation of the County, and to ensure a transparent, equitable, and efficient confirmation process.

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

SECTION 1. Chapter 114 of the Cuyahoga County Code is hereby amended as follows (additions are marked in bold and underline, deletions are struck-through):

CHAPTER 114: Appointment and Confirmation

Section 114.01: Submission of Appointments to County Council

- A. The submission of any candidate to the Council for confirmation shall be accompanied by the following:
1. A letter from the candidate requesting the appointment, if such a letter was submitted to the appointing authority;
 2. A copy of the candidate's current résumé or equivalent summary of academic, professional, and experiential qualifications;
 3. A copy of any and all professional licenses or other credentials held by the candidate that are required to be held by the appointee; and
 4. A letter from the appointing authority providing the following information:
 - a. The title of the board, agency, commission, or authority to which the candidate is being appointed;
 - b. Any statutory or other qualifications required to hold the appointed position, plus a statement that the candidate meets such qualifications;
 - c. The specific term of office during which the candidate would serve;
 - d. An indication of whether the candidate is being considered for a new appointment or for reappointment;
 - e. For a new appointment: the name of the individual who the candidate would replace;
 - f. For a reappointment: the past attendance record of the candidate, if maintained by the board, agency, commission or authority to which the candidate is being appointed;
 - g. A cumulative list of individuals who applied for the position;

- h. The candidate's direct contact information, including the candidate's phone number, email address, home address, and business address;
- i. An indication of whether the candidate currently serves on any government, private, or non-profit board or commission;
- j. An indication of whether any opinion was requested or issued from the Inspector General, the Ohio Ethics Commission, or other authority regarding potential conflicts of interest related to the candidate's appointment.
- k. If the candidate is being appointed to a compensated position, the starting annual compensation of the position.**

B. In the event that any of the information identified in this Section is not provided to the Council with the submission of an appointment, such omission shall be deemed sufficient grounds for rejection of a candidate's appointment by the Council.

Section 114.02: Notice of Interim Appointments

A. In the event an interim appointment is made pursuant to Section 2.03 (2) of the charter, the county executive or designee shall notify the president of council within five days of making the appointment, including the date the appointment was made, and shall file the interim appointee's oath of office with the clerk of council pursuant to chapter 107 of this code.

SECTION 2. 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 eight members of Council, this Ordinance 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 concerning and 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.

