

# 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

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 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 Mr. Brady, seconded by Mr. Greenspan, the foregoing Ordinance was duly enacted.

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

Nays: None

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County Council President

\_\_\_\_\_  
Date

\_\_\_\_\_  
County Executive

\_\_\_\_\_  
Date

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

\_\_\_\_\_  
Date

First Reading/Referred to Committee: July 14, 2015

Committee(s) Assigned: Council Operations & Intergovernmental Relations

Additional Sponsorship Requested on the Floor: July 14, 2015

Committee Report/Second Reading: July 28, 2015

Journal CC019  
August 11, 2015