

County Council of Cuyahoga County, Ohio

Resolution No. R2012-0101

Sponsored by: Council President Connally and Councilmembers Miller, Conwell and Jones	A Resolution providing for submission to the electors of the County of Cuyahoga an amendment to Article 11, Sections 1 and 3 of the Charter of Cuyahoga County; and declaring the necessity that this Resolution become immediately effective.
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WHEREAS, Article 12, Section 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 the County Charter to change the term of the Cuyahoga County Director of Internal Auditing so that it does not coincide with the term of the County Executive.

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 12, Section 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 6th day of November, 2012, the question of amending Sections 2.03(1) and 9.04 of the Charter of the County of Cuyahoga, the respective texts to be as set forth herein, with boldfaced and underlined text being added and crossed out text being deleted as follows:

SECTION 11.01 COUNTY AUDIT COMMITTEE.

The County Audit Committee shall provide internal auditing to assist the County Executive, Fiscal Officer, the Council, and other county officers and departments, institutions, boards, commissions, authorities, organizations, and agencies of the County government funded in whole or in part by County funds in providing

taxpayers of the County with efficient and effective services. The County Audit Committee shall consist of the Fiscal Officer, who shall serve as chair of the committee, the County Executive, the President of Council and two residents of the County appointed by the County Executive and confirmed by Council: **for a terms ending one year and two years, respectively, following the end of the term of office of the then County Executive. Upon a vacancy of an appointed position on the County Audit Committee, the County Executive shall appoint a replacement to fill the incomplete term, subject to confirmation by Council. An appointed member of the County Audit Committee may be removed by vote of a majority of the County Audit Committee, subject to the approval of County Council.** The County Audit Committee shall meet at least quarterly and shall oversee internal and external audits.

SECTION 11.03 DIRECTOR OF INTERNAL AUDITING: APPOINTMENT, DUTIES AND QUALIFICATIONS.

The Director of Internal Auditing shall be the head of the Department of Internal Auditing. The Director of Internal Auditing shall be a Certified Internal Auditor or member of the Institute of Internal Auditors or a similar successor organization and shall be subject to, and follow at all times, the Code of Ethics for Certified Internal Auditors or a similarly recognized code of ethics established by the Institute of Internal Auditors or a similar successor organization. The County Audit Committee shall recommend to the Council one or more candidates for appointment as the Director of Internal Auditing. The Council shall make the appointment, which shall be for a term **that expires on June 30, 2016. Thereafter, the term of the Director of Internal Auditing shall be for four years commencing on July 1, 2016, with subsequent terms commencing every four years on the first day of July.** ~~which shall be for a term of four years or ending with the end of the term of office of the then County Executive, whichever comes first.~~ **In the case of a vacancy prior to the end of the appointed term of the Director of Internal Auditing, the County Audit Committee shall recommend to the Council one or more candidates for appointment as Director of Internal Auditing to fill the incomplete term.** The Director of Internal Auditing may be dismissed by the Council for cause, following a hearing at which the Director of Internal Auditing shall have had the opportunity to be represented by counsel and to present his or her case for retention in office. The Director of Internal Auditing shall interview and make recommendations for the hiring of staff for the Department of Internal Auditing to the County Audit Committee, which shall approve or reject such recommendations.

SECTION 2. Pursuant to Article X, Section 4 of the Ohio Constitution, and Article 12, Section 10 of the Charter of the County of Cuyahoga, this Council hereby directs that the proposed amendment of Charter Sections 11.01 and 11.03

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 the County Charter be amended to change the term of office of the appointed Director of Internal Auditing for Cuyahoga County so that it does not coincide with the term of the County Executive?

SECTION 3. If the foregoing proposal receives the affirmative vote of a majority of the electors voting thereon, the existing provisions of Article 11, Sections 1 and 3 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 6, 2012 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 distributing a copy of said proposed amendment to each of the electors of the County as far as may be reasonably possible prior to thirty (30) days before said election.

SECTION 5. It is necessary that this Resolution become immediately effective to enable the Clerk of Council to perform her duties in time for the amendments to be properly placed on the November 6, 2012 election. Provided that this Resolution receives the affirmative vote of eight (8) members of Council, it shall become immediately effective upon the signature of the County Executive.

SECTION 6. It is found and determined that all formal actions of this Council relating to the adoption of this Resolution were adopted in an open meeting of the Council, and that all deliberations of this Council and 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 Resolution was duly adopted.

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

Nays: Rogers

County Council President Date

Deputy Clerk of Council Date

First Reading/Referred to Committee: June 12, 2012
Committee Assigned: Committee of the Whole

Second Reading: July 24, 2012

Third Reading: August 14, 2012

Additional Sponsorship Requested on the Floor: August 28, 2012

Journal CC007
August 28, 2012