

County Council of Cuyahoga County, Ohio

Resolution No. R2013-0285

Sponsored by: Council President Connally/Clerk of Council and Director of Law	A Resolution approving the Charter of County of Cuyahoga, Ohio, as amended through 11/5/2013; and declaring the necessity that this Resolution become immediately effective.
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WHEREAS, pursuant to Section 12.10 of the Cuyahoga County Charter, proposed Charter amendments were submitted to the electors of the County of Cuyahoga on November 5, 2013; and,

WHEREAS, on November 20, 2013, the Board of Elections of Cuyahoga County issued the official Certificates of Result of Election on Question or Issue, in which the proposed Charter amendments were approved based on the votes of the electors of the County; and,

WHEREAS, pursuant to the County Charter, Section 12.11, "Following any election at which any amendment to this Charter is adopted, the Clerk of Council, with the approval of the Council and the Director of Law, may prior to any reprinting of this Charter, make such changes therein, including the numbers, titles and arrangement of articles and sections hereof, as may be necessary or desirable to maintain or assure the logical and consistent ordering thereof, but no such change shall in any way affect the substance or meaning of this Charter or any part thereof or amendment thereto. The Clerk of Council may, at any time, with the approval of the Council, correct typographical errors appearing in this Charter, but no such change shall in any way affect the substance or meaning of this Charter or any part thereof or amendment thereto;" and,

WHEREAS, the Clerk of Council of the County of Cuyahoga certified the correction of various typographical errors and amendments approved by the electors; and,

WHEREAS, the Director of Law approved the correction of various typographical errors and amendments as incorporated by the Clerk of Council; and,

WHEREAS, Exhibit A constitutes the Cuyahoga County Charter with corrected typographical errors and amendments as approved by the electors; and,

WHEREAS, it is necessary that this Resolution become immediately effective in order that critical services provided by Cuyahoga County can continue and to provide for the usual, daily operation of County entities.

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

SECTION 1. That the Cuyahoga County Council approves the attached Exhibit A as the official Cuyahoga County Charter as amended through November 5, 2013.

SECTION 2. That the Clerk of Council be, and she is, hereby instructed to transmit a copy of this Resolution with the attached Exhibit A to the Board of Elections of Cuyahoga County and the Ohio Secretary of State.

SECTION 3. That the Clerk of Council is hereby directed to reprint the herein approved Cuyahoga County Charter as amended through November 5, 2013 and to publish it on the County's website.

SECTION 4. It is necessary that this Resolution become immediately effective in order that critical services provided by Cuyahoga County can continue, and to continue the usual and daily operation of County entities. Provided that this Resolution receives the affirmative vote of eight members of Council, this Resolution shall become immediately effective upon the signature of the County Council President.

SECTION 5. 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 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 Ms. Conwell, the foregoing Resolution was duly adopted.

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

Nays: None

County Council President

Date

Clerk of Council

Date

Journal CC012
December 10, 2013



CHARTER OF COUNTY OF CUYAHOGA, OHIO

**APPROVED BY THE ELECTORS
ON NOVEMBER 3, 2009 AND
EFFECTIVE JANUARY 1, 2010**

**AS AMENDED THROUGH
NOVEMBER 5, 2013**

CHARTER OF CUYAHOGA COUNTY

We, the people of Cuyahoga County, Ohio, desire a reformed County Government to significantly improve the County's economic competitiveness. With it, the taxpayers of Cuyahoga County can have: (1) focused, effective and accountable leadership; (2) job creation and economic growth as a fundamental government purpose, thereby helping the County do a better job of creating and retaining jobs and ensuring necessary and essential health and human services; (3) collaborative leadership with Cleveland, suburbs and others within the public and private sectors; (4) an improved focus on equity for all our communities and citizens; (5) long-term regional and global competitiveness; and (6) significant taxpayer savings by streamlining and eliminating unnecessary elected offices.

Desiring to secure for ourselves and for our successors the benefits of self-determination as to local matters that are afforded by the assumption of home rule powers for this County and the establishment of a county government that provides for the separation of administrative and legislative powers and for a more representative and accountable form of governance for this County, We, the people, adopt this Charter of Cuyahoga County.

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ARTICLE I--CORPORATE POWERS, RIGHTS AND PRIVILEGES

SECTION 1.01 NAME, BOUNDARIES AND POWERS.

The County of Cuyahoga, as its limits now are, or hereafter may be, shall be a body politic and corporate by the name of County of Cuyahoga with all the rights granted by this Charter and by general law.

The County is responsible within its boundaries for the exercise of all powers vested in and the performance of all duties imposed upon counties and county officers by law. In addition, the County may exercise all powers specifically conferred by this Charter or incidental to powers specifically conferred by this Charter and all other powers that the Constitution and laws of Ohio now or hereafter grant to counties to exercise or do not prohibit counties from exercising, including the concurrent exercise by the County of all or any powers vested in municipalities by the Ohio Constitution or by general law.

All such powers shall be exercised and enforced in the manner prescribed by this Charter, or, when not prescribed herein, in such manner as may be provided by ordinance or resolution of the Council. When not prescribed by the Charter or amendments hereto or by ordinance or resolution, such powers shall be exercised in the manner prescribed by general law.

[Effective January 1, 2010]

SECTION 1.02 POWERS LIMITED.

This Charter does not empower the County to exercise exclusively any municipal powers nor to provide for the succession by the County to any property or obligation of any municipality or township without the consent of the legislative authority of such municipality or township. In case of conflict between the exercise of powers granted by this Charter and the exercise of powers by municipalities or townships granted by the Constitution or general law, the exercise of powers by the municipality or township shall prevail. The County shall have power to levy only those taxes that counties are by general law authorized to levy.

[Effective January 1, 2010]

SECTION 1.03 CONSTRUCTION.

The powers of the County under this Charter shall be construed liberally in favor of the County, and the specific mention of particular powers in this Charter shall not be construed as limiting in any way the general powers granted under this Charter. The rules for statutory

construction contained in the Ohio Revised Code shall govern the interpretation of the provisions of this Charter.

[Effective January 1, 2010]

ARTICLE II--ELECTED COUNTY EXECUTIVE

SECTION 2.01 COUNTY EXECUTIVE.

The County Executive shall be the chief executive officer of the County. The County Executive shall first be elected at the 2010 general election and shall hold office for a term of four years commencing on the first day of January 2011. Any candidate for election as County Executive shall be an elector of the County at the time of filing of the declaration of candidacy, shall be nominated and elected in the manner provided for county officers by general law and this Charter and during the entire term of office shall remain an elector of the County. The County Executive shall not, except as authorized by the Council, hold or accept other employment or public office.

[Effective January 1, 2010]

SECTION 2.02 COMPENSATION.

The initial salary of the County Executive shall be one hundred seventy-five thousand dollars per year. The salary may be changed by ordinance at any time before a primary election for the office of County Executive, but no change shall be effective until the commencement of the ensuing term.

[Effective January 1, 2010]

SECTION 2.03 POWERS AND DUTIES.

The County Executive shall have all the powers and duties of an administrative nature under this Charter and such powers and duties of an administrative nature, except as otherwise provided herein, as are vested in or imposed upon boards of county commissioners by general law. Such powers and duties include, but are not limited to, the following:

(1) To appoint, suspend, discipline and remove all County personnel, including those appointive officers provided for in Article V hereof and except those who, as provided by general law, are under the jurisdiction of officers, boards, agencies, commissions and authorities of the County other than the board of county commissioners, and except those

who are appointed by the Council pursuant to Section 3.09(1) of this Charter or by the Prosecuting Attorney.

(2) To appoint, subject to the confirmation by the Council, and remove County directors and officers and members of boards, agencies, commissions and authorities as are or may hereafter be created by or pursuant to this Charter, and such officers and members of boards, agencies, commissions and authorities as are provided by general law to be appointed by boards of county commissioners. 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. 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.

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. An interim appointment may continue beyond 120 days by extension or reappointment or another person may be successively appointed to the same position on an interim basis only if confirmed by the Council prior to the expiration of the initial interim appointment.

(3) To advocate for the interests of the County with other levels of government and to advocate for and promote cooperation and collaboration with other political subdivisions.

(4) To approve or veto any ordinance or resolution as provided in Section 3.10 of this Charter.

(5) To serve, in person or by his or her delegate, as a member of the County Budget Commission and of the County Board of Revision.

(6) To execute contracts, conveyances and evidences of indebtedness on behalf of the County.

(7) To attend meetings of the Council and take part in the discussion of all matters before the Council.

(8) To introduce ordinances and resolutions for consideration by the Council and otherwise to make recommendations for actions to be taken by the County.

(9) To submit to the Council prior to the beginning of each biennium, a proposed operating budget for the upcoming biennium, which shall contain at least the following:

- (a) A statement of estimated revenues from all sources, including fund balances from the preceding biennium;
- (b) A statement of proposed expenditures, shown by department, office, agency, authority, board and commission, and by activity, character and object;
- (c) A schedule of estimated revenues and proposed expenditures for each County department, office, agency, authority, board and commission, on a monthly basis; and
- (d) A summary of the contents of the proposed operating budget.

(10) To submit to the Council prior to the beginning of each biennium a capital improvements program, which shall contain at least the following:

- (a) The capital improvements scheduled for, or proposed to be undertaken within that biennium, along with the estimated cost of each improvement and the proposed or established method of financing;
- (b) A summary of the detailed contents of the program for the current biennium; and
- (c) The capital improvements projected for the five years next succeeding the current biennium.

(11) To submit a written message to the Council accompanying the proposed operating budget and capital improvements program explaining the budget both in fiscal terms and in terms of work to be done, outlining the proposed financial policies of the County for the current biennium and describing the important features of the budget. The message shall include any proposals for major changes in financial policies and in expenditures, appropriations and revenues as compared with the preceding biennium and the reasons for such proposals, and an itemization and explanation of each proposed capital improvement.

(12) To conduct collective bargaining with any recognized employee bargaining unit, administer uniform personnel procedures for all County employees, and to provide quarterly reports to the Personnel Review Commission regarding the County's collective bargaining strategies and approved contracts.

(13) To submit to the Council annually a five-year financial forecast for the general operating funds of the County.

(14) To employ and supervise such number of deputies, assistants and employees as shall be reasonably necessary to assist the County Executive in carrying out the duties of the office.

[Effective January 1, 2010; Article II, Sections 2.03(9), (10) and (11) amended by the electors on November 6, 2012; Article II, Sections 2.03(2) and (12) amended by the electors on November 5, 2013]

SECTION 2.04 VACANCY.

In the event the office of the County Executive becomes vacant by reason of death, resignation, removal from office, failure to remain an elector of the County or for any other reason, the President of Council shall succeed to the office of County Executive on an interim basis. If a vacancy occurs in the first or second year of a four-year term, the interim succession shall be for a period until the next countywide general election, at which time the position shall be filled for the remainder of the principal term. If a vacancy occurs in the third or fourth year of a four-year term, the interim succession shall extend until the next countywide general election, at which time the position shall be filled for the next four-year term. The interim succession of the President of Council to the office of County Executive as provided herein shall create a vacancy in the membership of County Council and in the position of President of Council. Upon the occurrence of a vacancy in the position of President of Council, the Vice-President of Council shall assume the position of President, and the Council shall elect a member to serve as Vice-President. The Council seat vacated by the former Council president shall be filled in the manner described herein.

[Effective January 1, 2010]

SECTION 2.05 INVESTIGATIONS BY COUNTY EXECUTIVE.

The County Executive may, at any time and without notice, cause the administrative affairs or the official acts and conduct of any official or employee of any County office, department or agency over which the Executive has authority to be examined. The County Executive, or any person appointed by the Executive to conduct such an examination, shall have the same power to take testimony, administer oaths and compel the attendance of witnesses and the production of papers, books and evidence and refer witnesses to the Prosecuting Attorney to be punished for contempt as is conferred upon Council by this Charter. Subpoenas may not be issued pursuant to this section except by resolution adopted by a two-thirds vote of Council.

[Effective January 1, 2010]

ARTICLE III--THE COUNCIL

SECTION 3.01 ELECTION.

The Council shall be the legislative authority and taxing authority of the County and a co-equal branch of the County government with the executive branch. It shall consist of eleven members, who shall be nominated and elected as provided in this Charter and in the manner provided by general law for county officers. During their terms in office, Council members shall remain electors of the County and shall not hold or accept any other County office or be employed by the County and shall serve in a part-time capacity.

[Effective January 1, 2010]

SECTION 3.02 TERM OF OFFICE.

At the general election in 2010, the members of the Council shall be elected, one member from each of the eleven districts, six of such members for four-year terms and five of such members for two-year terms. Beginning with the 2012 general election, the term for each member of Council shall be four years. The term of office for all Council members shall begin on January 1 next following their election.

[Effective January 1, 2010]

SECTION 3.03 RESIDENCY REQUIREMENT.

A Council candidate shall have been an elector of the County for at least two years immediately prior to filing of a declaration of candidacy or appointment to fill a vacancy and shall also have been a resident of the district he or she wishes to serve for at least thirty days immediately prior to filing of candidacy or appointment to fill a vacancy. Once elected or appointed, Council members shall reside within the County, and members elected from districts shall reside within their respective districts, during the tenure of their terms.

[Effective January 1, 2010]

SECTION 3.04 COUNCIL DISTRICTS.

(1) **Initial Districts.** The eleven districts from which the members of the Council shall be elected at the November 2, 2010 general election are described in detail in Appendix A, which is attached to this Charter and made a part hereof.

(2) **Redistricting.** Immediately following each decennial Federal census commencing with the census of 2010, the Council shall appoint five electors of the County, not more than three of whom shall be members of the same political party and none of whom shall hold public office or be an officer of a political party, who shall constitute a Council Districting Commission. The Commission shall, not later than one hundred twenty days following its appointment, prepare and certify to the Board of Elections of Cuyahoga County a detailed apportionment of the Council districts in accordance with the principles provided for in this section. The County Executive shall provide for the Commission such facilities and assistance as shall be required for the Commission to carry out its duties as provided for herein. That apportionment shall be completed by the same date as the apportionment for the Ohio General Assembly and shall be effective for the first regular County election thereafter.

(3) **Principles for Establishing District Boundaries.** All districts shall be of substantially equal population, compact and composed of contiguous territory and formed by combining existing areas of governmental units, giving preference, in the order named, to townships, municipalities and city wards and precincts. Precincts shall not be divided for the purpose of creating Council districts. To the degree allowable by federal and state law, consideration will be given to district boundaries that broaden the opportunities for historically under-represented and minority communities to elect representatives to the Council. The Council may establish additional criteria for the Council Districting Commission to use for the purpose of drawing district boundaries, in order to achieve a government that is effective, efficient, and at the same time, accountable, responsive, and fairly representative, as long as such criteria do not conflict with the Constitution of the United States of America, the Constitution of the State of Ohio and applicable federal or state law.

[Effective January 1, 2010]

SECTION 3.05 COUNCIL VACANCIES.

When a vacancy occurs in a Council position, precinct committee members of the same political party and from the same district as the vacating member shall choose a replacement within thirty days of the occurrence of the vacancy. If the precinct committee members fail to make the appointment in the allotted time, the Council shall have thirty days to make the appointment. If the Council fails to make the appointment, the County Executive shall make the appointment.

[Effective January 1, 2010]

SECTION 3.06 COUNCIL VACANCIES; NO PARTY AFFILIATION.

When a vacancy occurs in a Council position and the person vacating the position was not a member of a political party with precinct committee members, the Council shall choose a replacement within thirty days of the occurrence of the vacancy. If Council fails to appoint a replacement within thirty days, the County Executive shall make the appointment.

[Effective January 1, 2010]

SECTION 3.07 VACANCIES; LENGTH OF APPOINTMENT.

If a vacancy occurs in the first or second year of a four-year term, the interim appointment shall be for a period until the next countywide general election, at which time the position shall be filled for the remainder of the unexpired term. If a vacancy occurs in the third or fourth year of a four-year term, the interim appointment shall extend until the next countywide general election, at which time the position shall be filled for the next four-year term.

[Effective January 1, 2010]

SECTION 3.08 COMPENSATION.

The initial salary of each Council member shall be forty-five thousand dollars per year. The initial salary of the President of Council shall be fifty-five thousand dollars per year. Those salaries may be changed by ordinance at any time before a primary election for members of the Council, but no change shall be effective until the commencement of the ensuing term. Council members shall be entitled to reimbursement for reasonable and necessary expenses incurred by them in the exercise of their duties.

No former member of Council shall hold any compensated appointive office or employment with the County until one year after the expiration of the term for which the member was elected.

[Effective January 1, 2010]

SECTION 3.09 POWERS AND DUTIES OF THE COUNCIL.

The legislative power of the County, including the power to introduce, enact and amend ordinances and resolutions relating to all matters within the legislative power of the County, is vested in the Council. All powers of the Council shall be exercised by ordinance or resolution and shall include, but not be limited to, the following:

- (1) To appoint and provide for the compensation and duties of the Clerk of Council and such other assistants for the Council as a whole as the Council determines to be necessary for the efficient performance of its duties.
- (2) To establish departments, and divisions and sections within departments, under the supervision of the County Executive, and such boards, agencies, commissions, and authorities, in addition to or as part of those provided for in this Charter, as the Council determines to be necessary for the efficient administration of the County.
- (3) To establish procedures under which the County Executive may employ experts and consultants in connection with the administration of the affairs of the County.
- (4) To establish procedures governing the making of County contracts and the purchasing of County supplies and equipment pursuant to competitive bidding.
- (5) To adopt and amend the County's annual tax budget, biennial operating budget and biennial capital improvements program and to make appropriations for the County. Council shall determine by ordinance the beginning and end dates of the biennium.
- (6) To determine which officers and employees shall give bond and to fix the amount and form thereof.
- (7) To provide for the acquisition, construction, maintenance, administration, rental, and leasing of property, including buildings and other public improvements.
- (8) To cooperate or join by contract with any municipality, county, state or political subdivision or agency thereof, for the planning, development, construction, acquisition or operation of any public improvement or facility, or for providing a common service, and to provide the terms upon which the County shall perform any of the services and functions of any other county or any municipality or other political subdivision. In furtherance of such intergovernmental cooperation, the Council may provide for grants or loans to other political subdivisions and public agencies.
- (9) To provide for the procedure for making public improvements and levying assessments for such improvements.
- (10) To require, as necessary, the attendance of any County employee or officer at Council meetings to provide information as may be requested. Except for the purpose of inquiry, the

Council and its members shall deal with the administrative service solely through the County Executive. Neither the Council, nor any member thereof, shall give orders to any of the subordinates of the County Executive either in public or in private.

(11) To establish and provide for the administration of a program to provide scholarships, loans, grants and other forms of financial assistance for residents of the County that will enable them to participate in post-secondary education, including vocational education and job training and retraining; for the funding of the program from money determined to be saved by the operation of the County government under this Charter and from other funds of the County, including gifts, grants and donations received for such purpose; and for the conditions for eligibility for participation in the program by individuals and educational institutions.

(12) To establish by ordinance a code of ethics, which shall be in addition to, and not inconsistent with, general law on the subject, which shall guide and inform County officers and employees in the performance of their official duties in a manner that will represent high standards of professionalism and loyalty to the residents of the County and that will avoid conflicts of interest, self-dealing and other violations of the public trust.

No public money of, or under the control of, the County, from whatever source derived, shall be subject to appropriation, application or distribution at the order or direction of any individual member of the Council.

[Effective January 1, 2010; Article III, Section 3.09(5) amended by the electors on November 6, 2012]

SECTION 3.10 ORGANIZATION, RULES AND PROCEDURES.

(1) **Council Officers.** On the first business day of each year following a regular election for members of the Council, the Council shall meet for the purpose of organization and shall elect one of its members as President and one other member as Vice-President each to serve until the election of their successors at the next succeeding organizational meeting. The President shall preside at all meetings of the Council. The Vice President shall preside in case of the absence or disability of the President. The presiding officer shall be entitled to vote on all matters.

(2) **Rules and Records.** The Council shall determine its own rules and order of business. The Clerk of Council shall keep and make available for public inspection at all reasonable times a

record of proceedings of the Council in which the vote of each member voting on an ordinance or resolution shall be recorded.

(3) **Written Resolutions and Ordinances.** All legislative action of a general and permanent nature shall be by resolution or ordinance introduced in written or printed form. Each resolution and ordinance shall contain no more than one subject, and that subject shall be clearly expressed in its title.

(4) **Required Readings.** No ordinance or resolution shall be passed or adopted until it has been read, either in full or by title alone, at three different regular Council meetings. The requirement of three readings may be dispensed with by a vote of at least seven members of the Council.

(5) **Adoption by Council.** No action of the Council shall be valid or binding unless adopted by an affirmative vote of at least a majority of the members of the Council. Each adopted ordinance or resolution shall be signed by the presiding officer and promptly presented by the Clerk of Council to the County Executive for approval or disapproval. Notwithstanding the foregoing, the following actions shall be finally approved or disapproved upon action by Council, without presentation to the County Executive for approval or disapproval:

- (a) Adoption or amendment of the rules and order of business of the Council;
- (b) Adoption of the schedule of Council meetings, creation of committees, and other actions relating to the internal operations of the Council;
- (c) Adopting an organizational structure for the Council office, consistent with the County's operating budget;
- (d) Hiring and setting compensation for employees of the Council office, consistent with the County's operating budget;
- (e) Approval of contracts or amendments to contracts not to exceed \$100,000 for services for the Council office, consistent with the County's operating budget;
- (f) Confirmation of appointments recommended by the County Executive;
- (g) Making of appointments designated in this Charter to be made by Council;
- (h) Adoption of resolutions to require the attendance of any County employee or officer at Council meetings;
- (i) Adoption of resolutions to compel the attendance of witnesses, issue subpoenas, or refer matters to the Prosecuting Attorney in accordance with Article III, Section 3.12;
- (j) Submission of proposed amendments to this Charter to the electors of Cuyahoga County.

(6) **Approval or Disapproval by County Executive.** The County Executive may approve or disapprove the whole or any item of an ordinance or resolution appropriating money, but otherwise the approval or disapproval shall be addressed to the entire ordinance or resolution. If the County Executive approves a measure approved by Council and presented to him or her by the Clerk of Council, the resolution or ordinance shall be signed by the County Executive and returned to the Clerk of Council within ten days after its passage or adoption. If the County Executive does not approve a measure so presented, the County Executive shall return the measure to the Council with his or her written objections within said ten days. Such written objections shall be entered in full in the record of proceedings of the Council. If the County Executive does not return a measure approved by Council and presented to him or her by the Clerk of Council within said ten-day period following its adoption, the measure shall take effect in the same manner as if the County Executive had signed it.

(7) **Reconsideration.** When the County Executive has disapproved an ordinance or resolution, or a part or item thereof, as herein provided, the Council may, not later than its second regular meeting following such disapproval, proceed to reconsider the disapproved measure. If, upon reconsideration, the measure is approved by at least eight members of Council, it shall then take effect as if it had received the approval of the County Executive.

(8) **Effective Dates of Legislation.** Each ordinance or resolution shall take effect in the manner and at the time provided by general law for ordinances or resolutions of cities. Unless a later time is specified therein, each measure designated to become immediately effective shall take effect upon signature by the County Executive, upon the expiration of the time during which it may be disapproved, or upon its passage after disapproval by the County Executive, as the case may be. Each measure designated to become immediately effective shall contain a statement of the necessity for such action and shall require the affirmative vote of at least eight members of the Council for enactment.

(9) **Publication of Ordinances and Resolutions.** Council shall provide by rule for the procedure for giving notice of the adoption by the Council of ordinances and resolutions of a general and permanent nature. Such method or methods for giving notice shall be such as to enable any interested resident of the County to have prompt access to the text of such legislation.

[Effective January 1, 2010; Article III, Section 3.10(5) amended by the electors on November 5, 2013]

SECTION 3.11 INITIATIVE AND REFERENDUM.

The right of initiative and referendum is reserved to the people of the County on all matters that the County may now or hereafter be authorized to control by legislative action, provided that any ordinance or resolution enacted for the following purposes shall not be subject to referendum:

- (a) That appropriates money for any lawful purpose;
- (b) That creates, revises or abolishes departments or provides regulations for their government;
- (c) That authorizes the appointment of employees in any of the departments;
- (d) That authorizes, or that otherwise affects, the issuance of bonds, notes or other debt instruments of the County;
- (e) That authorizes a contract for a public improvement or an expenditure of money which contract is to be made or expenditure is to be made, in whole or in part, from the proceeds of bonds, notes or other debt instruments of the County; and
- (f) That provides for the payment of operating expenses of the County.

The provisions of general law relating to such right applicable to municipalities in effect at the time of the adoption of this Charter shall govern the exercise of such right hereunder, provided that all powers and duties respecting initiative or referendum petitions imposed upon city auditors or village clerks by general law shall be exercised by the Clerk of Council.

[Effective January 1, 2010]

SECTION 3.12 INVESTIGATIONS BY COUNCIL.

The Council or any committee of Council may investigate the financial transactions of any office, department or agency of County government and the official acts and conduct of any County official relating to any matter upon which Council is authorized to act. In conducting such investigations, the Council or any such committee may administer oaths and may, by resolution adopted by vote of at least eight members of Council or of the committee of Council, compel the attendance of witnesses and the production of books, papers and other evidence through the issuance of subpoenas. Subpoenas shall be signed by either the President of Council or the chair of the Council committee seeking a witness's testimony or the production of evidence and shall be served and executed by an officer authorized by law to serve subpoenas and other legal process. In the matter of compelling the attendance of witnesses and the production of evidence, the majority vote of Council, if any, shall take precedence over the vote of a Council committee. If any duly-subpoenaed witness refuses to testify to any facts within the witness's knowledge, or to produce any paper, books, or other

evidence in the witness's possession or in the witness's control relating to the matter under inquiry before the Council or any such committee, the Council may refer the matter to the Prosecuting Attorney for the Prosecuting Attorney to cause the witness to be punished as for contempt.

[Effective January 1, 2010]

ARTICLE IV--ELECTED PROSECUTING ATTORNEY

SECTION 4.01 PROSECUTING ATTORNEY: ELECTION, DUTIES AND QUALIFICATIONS.

The Prosecuting Attorney shall be elected, and the duties of that office, and the compensation therefor, including provision for the employment of outside counsel, shall continue to be determined in the manner provided by general law.

[Effective January 1, 2010]

ARTICLE V--APPOINTED OFFICERS

SECTION 5.01 APPOINTMENT; CONFIRMATION BY COUNCIL.

Each of the officers provided for in this Article V shall be appointed by the County Executive, subject to confirmation by Council, and shall serve at the pleasure of the County Executive.

[Effective January 1, 2010]

SECTION 5.02 FISCAL OFFICER: POWERS, DUTIES AND QUALIFICATIONS.

(1) **Powers and Duties.** The Fiscal Officer shall exercise all powers and perform all duties now or hereafter vested in or imposed by general law upon county auditors and county recorders and the powers and duties of clerks of the court of common pleas other than those powers and duties related to serving the operation of the courts, and such other powers and duties not inconsistent therewith as provided herein or by ordinance. The Fiscal Officer shall prepare and maintain the tax maps for the County.

(2) **Boards, Commissions and Committees.** The Fiscal Officer, or his or her designee, shall serve in the place of the county auditor or the county recorder on every board, commission, committee, or any other body upon which a county auditor or county recorder is required or authorized to serve by general law.

(3) **Qualifications.** The Fiscal Officer shall be a certified public accountant and shall have had at least five years' experience in the management of financial matters of political subdivisions.

[Effective January 1, 2010]

SECTION 5.03 MEDICAL EXAMINER: POWERS, DUTIES, AND QUALIFICATIONS.

All powers now or hereafter vested in or imposed upon county coroners by general law shall be exercised by the Medical Examiner. The Medical Examiner shall also have such powers and duties as shall be established by ordinance that are not inconsistent with those provided by general law for county coroners. The Medical Examiner shall be a licensed physician, shall have specialized training in forensic medicine and pathology, and shall have final authority as to determinations concerning medical matters within his or her responsibility. The Medical Examiner may appoint deputies to the Medical Examiner, who shall be designated Deputy Medical Examiners and one of whom may be designated the Chief Deputy Medical Examiner.

[Effective January 1, 2010]

SECTION 5.04 CLERK OF COURTS: POWERS AND DUTIES.

All powers and duties now or hereafter vested in or imposed by general law upon the office of clerk of the court of common pleas relating to serving the operation of the courts shall be exercised and carried out by the appointed Clerk of Courts. The Clerk of Courts shall also have such powers and duties as shall be established by this Charter or by ordinance that are not inconsistent with those provided by general law for the office of clerk of the court of common pleas.

[Effective January 1, 2010]

SECTION 5.05 DIRECTOR OF PUBLIC WORKS: POWERS, DUTIES AND QUALIFICATIONS.

All powers now or hereafter vested in or imposed upon county engineers and county sanitary engineers by general law shall be exercised and carried out by or at the direction of the Director of Public Works. The Director of Public Works shall also have such powers and duties as shall be established by ordinance that are not inconsistent with those provided by general law. In the event that the Director of Public Works is not a professional engineer and a registered surveyor licensed by the State of Ohio, the Director of Public Works shall employ one or more deputies or assistants who together or separately possess both of those qualifications.

[Effective January 1, 2010]

SECTION 5.06 DIRECTOR OF LAW: POWERS, DUTIES AND QUALIFICATIONS.

The Director of Law shall be the legal advisor to and representative of the County Executive and County Council. The Director of Law shall be an attorney at law in good standing in the State of Ohio and shall have had at least five years' experience in advising or representing political subdivisions in Ohio.

[Effective January 1, 2010]

SECTION 5.07 COUNTY TREASURER: POWERS, DUTIES AND QUALIFICATIONS.

All powers and duties now or hereafter vested in or imposed upon county treasurers by general law shall be carried out by the appointed County Treasurer. The County Treasurer shall also have such powers and duties as shall be established by ordinance that are not inconsistent with those provided by general law. The County Treasurer shall have had at least five years' experience in the management of financial matters for political subdivisions.

[Effective January 1, 2010]

SECTION 5.08 SHERIFF: POWERS, DUTIES AND QUALIFICATIONS.

All powers and duties now or hereafter vested in or imposed upon county sheriffs by general law shall be carried out by the appointed Sheriff. The Sheriff shall possess and continue to maintain the qualifications provided by general law for the office of county sheriff and in addition shall have had at least five years' experience in law enforcement or in correctional facilities management.

[Effective January 1, 2010]

ARTICLE VI--BOARDS AND COMMISSIONS

SECTION 6.01 BUDGET COMMISSION.

The Budget Commission shall consist of the County Executive, the Fiscal Officer and the Prosecuting Attorney. Members of the Budget Commission may appoint deputies to serve on their behalf. The Budget Commission shall exercise all powers and perform all duties of a county budget commission as prescribed by general law.

[Effective January 1, 2010]

SECTION 6.02 BOARD OF REVISION.

(1) The County shall have a single Board of Revision, consisting of three members, which shall perform all powers and duties of county boards of revision under general law and such other powers and duties not inconsistent therewith as provided herein or by ordinance. As of the effective date of this provision, the Board shall consist of the County Executive, one appointee of the Council President, and, at the choice of the County Executive, either the Fiscal Officer or Treasurer.

- (a) At the choice of the Council President, the Council President's appointee may either be a member of Council or any other elector of the County. The term of the Council President's first appointee shall be from the effective date of this provision until January 4, 2016. The term of subsequent appointees shall be for a period of two years commencing on the fifth day of January and every two years thereafter.
- (b) If a vacancy occurs in the Council President's appointee position, the Council President shall appoint a new member to complete the unexpired term.
- (c) The Council President's appointee shall not belong to the same political party as the County Executive at the time of the appointment.

(2) The Board shall elect a chairperson, a secretary, and other officers as it deems appropriate at its organizational meetings.

(3) The Board shall have the power to set the hearing schedule for matters before it, and to make and amend its own internal operating rules, procedures, and regulations.

(4) The Board may employ administrative staff, including an administrator, as it deems necessary, to assist it in the performance of its powers and duties. All employees of the Board shall be unclassified employees.

(5) The Board shall employ or otherwise engage individuals to serve on one or more three-member hearing panels to hear complaints as to the value of real property and to perform other duties assigned to them by the Board. The individuals serving on hearing panels shall be electors of the County; shall serve at the pleasure of the Board; and shall abide by the Board's hearing schedule, rules, procedures, and regulations in performing their duties.

(6) The Board shall establish merit qualifications for the individuals serving on hearing panels as it deems necessary for them to perform their duties. In establishing the merit qualifications, the Board shall strive to employ or otherwise engage highly qualified individuals to elevate the citizens' trust in the system.

(7) The Board may not itself hear complaints related to the valuation of real property, and no member of the Board may serve on any of the hearing panels. The decisions of the hearing panels relating to real property valuation complaints shall constitute the final decisions of the Board and shall not be subject to further review by the Board itself.

(8) No member of the Board or any of the hearing panels may have any ex parte communications with any party, elected officials, county employees, or any other person regarding the merits of a pending matter before the panel. The Board shall enact and publish additional rules, procedures, or regulations to ensure that the system is administered fairly, including rules, procedures, or regulations governing conflicts of interest.

(9) The Board may utilize any boards of revision or hearing panels in existence as of the effective date of this provision as hearing panels to avoid any interruption of services.

[Effective January 1, 2010; Article VI, Section 6.02 amended by the electors on November 5, 2013]

SECTION 6.03 OTHER BOARDS AND COMMISSIONS.

Any board or commission of the County and any joint board or commission in which the County is a participant that is in existence when this Charter becomes effective, but not provided for in this Charter, shall continue to exist until reorganized or discontinued by action of Council, unless its continuance is required by general law.

[Effective January 1, 2010]

SECTION 6.04 SPECIAL BOARDS AND COMMISSIONS.

When general law or any agreement with another public agency or court order provides for appointment of members of a special board or commission or other agency by the board of county commissioners, such appointment shall be made by the County Executive, subject to confirmation by the Council.

[Effective January 1, 2010]

ARTICLE VII--ECONOMIC DEVELOPMENT

SECTION 7.01 COUNTY ECONOMIC DEVELOPMENT.

The County shall have as a primary responsibility the promotion and enhancement of the economic well-being and prosperity of the County and all of its residents. In furtherance of that purpose, the County shall, as authorized by the Constitution of Ohio, general law, and this Charter and enactments pursuant thereto, develop and implement policies, programs and activities for the expansion and enhancement of economic activity in the County so as to create and preserve jobs and employment opportunities for and available to residents of the County. In furtherance of this purpose, the County shall appropriate money and enter into agreements and otherwise cooperate with officers, agencies, and instrumentalities of the United States of America, the State of Ohio, with other political subdivisions, and with public and private persons, firms and corporations, foundations, and individuals and institutions, and may accept and make gifts, grants, and loans and other economic incentives.

[Effective January 1, 2010]

SECTION 7.02 DEPARTMENT OF DEVELOPMENT.

There shall be a Department of Development, under the direction of the Director of Development, which shall develop, direct and implement programs and activities for carrying out the purposes of this Article VII.

The Department of Development shall coordinate the programs and activities of the officers, departments, agencies, boards and commissions of the County that relate to economic development, including identification of the causes of unemployment and economic underdevelopment among segments of the population and within communities in the County and the development of programs and activities to remedy such conditions.

[Effective January 1, 2010]

SECTION 7.03 DIRECTOR OF DEVELOPMENT: APPOINTMENT AND QUALIFICATIONS.

The Director of Development shall be appointed by the County Executive, subject to confirmation by the Council, and shall report to and serve at the pleasure of, the County Executive. The Director of Development shall have had a demonstrated record of experience and accomplishment, in the public or private sector, or both, in economic development matters.

[Effective January 1, 2010]

SECTION 7.04 ECONOMIC DEVELOPMENT COMMISSION.

There shall be an Economic Development Commission the members of which shall be selected and qualified as follows: One member shall be selected by each of the following: the County Executive; the Council; the mayor of the city of Cleveland; the Cleveland-Cuyahoga Port Authority; the Cuyahoga County Mayors and Managers Association, the Greater Cleveland Partnership, or their respective successors; the Executive Secretary of the North Shore Federation of Labor, or similar officer of a successor organization. One member shall be selected collectively by the nonprofit and educational organizations that are engaged in the promotion of economic development of the County, as shall be designated by the Council. Those members shall select one additional member.

Membership on the Economic Development Commission shall not constitute the holding of office or employment with the County. The members shall serve without compensation, but may be reimbursed for reasonable and necessary expenses incurred in the performance of their duties. Any vacancy in the membership of the Economic Development Commission shall be filled in the same manner as that of the person whose position has been vacated.

The Economic Development Commission shall adopt its own rules and bylaws for its organization and procedures. It shall meet at least quarterly and shall be provided with such facilities and staff assistance as shall be necessary for the Economic Development Council to carry out its duties. The County Executive and the Director of Development shall keep the Economic Development Commission informed of current and anticipated economic development activities and opportunities, except as necessary to preserve confidentiality of such matters as business plans and trade secrets of private parties.

[Effective January 1, 2010]

SECTION 7.05 ECONOMIC DEVELOPMENT PLAN.

The Director of Development, in conjunction with the County Executive and in consultation with the Economic Development Commission, shall prepare and present to the Council by the first day of June of each year a proposed five-year economic development plan for the County, for actions to be carried out by the County itself, and in cooperation with other public and private agencies and organizations, for the purpose of enhancing the prosperity and well-being of the County and its residents and communities. If the Council shall fail to adopt the proposed plan, with such changes as the Council shall deem advisable, within sixty days of its presentation to the Council, the plan shall be deemed to be adopted. The economic

development plan shall be reviewed and revised annually in accordance with the foregoing procedures.

[Effective January 1, 2010]

ARTICLE VIII--HEALTH AND HUMAN SERVICES

SECTION 8.01 DEPARTMENT OF HEALTH AND HUMAN SERVICES.

There shall be a Department of Health and Human Services, which shall administer all programs and activities for which the County has or has assumed responsibility for the protection and enhancement of the health, education and well-being of County residents and that are not assigned by general law to other boards, agencies or officials, and shall coordinate its activities and cooperate with such other boards, agencies and officers in order to avoid duplication of services and activities. The Council shall provide by ordinance for such deputies and assistants to the Director of Health and Human Services as shall be conducive to the efficient performance of the duties of the Department of Health and Human Services.

[Effective January 1, 2010]

SECTION 8.02 DIRECTOR OF HEALTH AND HUMAN SERVICES: APPOINTMENT, DUTIES AND QUALIFICATIONS.

The Director of Health and Human Services shall be appointed by the County Executive, subject to confirmation by the Council, and shall be the head of the Department of Health and Human Services. The person so appointed shall have had at least five years' experience in an upper-level managerial position, in either the public or the private sector, with responsibility for the provision of human services of the kind provided for in this Article VIII.

[Effective January 1, 2010]

ARTICLE IX--COUNTY EMPLOYMENT PRACTICES

SECTION 9.01 PERSONNEL REVIEW COMMISSION.

There shall be a Personnel Review Commission. The Council shall appoint the members of the Personnel Review Commission, consisting of three electors of the County having experience in personnel matters or personnel administration and who are supportive of equal opportunity considerations. No more than two of the three members of the Personnel Review Commission

shall be members of the same political party. The Personnel Review Commission is authorized to employ persons in the service of the County. The Personnel Review Commission shall be responsible for administering, for and in cooperation with the officers, agencies, boards and commissions of the County, an efficient and economical system for the employment of persons in the public service of the County according to merit and fitness. The County's human resources policies and systems, including ethics policies for County employees, shall be established by ordinance and shall be administered in such manner as will eliminate unnecessary expense and duplication of effort, while ensuring that persons will be employed in the public service without discrimination on the basis of race, color, religion, sex, national origin, sexual orientation, disability, age or ancestry. The Personnel Review Commission shall submit a recommendation regarding any ordinance concerning County personnel policies prior to passage by County Council. In the event the Personnel Review Commission does not endorse an ordinance, the Personnel Review Commission may provide a Statement of Non-Endorsement to the County Council.

The term of office of each member of the Personnel Review Commission shall be six years. The terms shall be staggered so that no term expires within less than two years of the expiration of any other term. The Council shall fill a vacancy occurring for an unexpired term in the same manner as a regular appointment.

Of the terms of office for the initial appointees, one shall be appointed for a term of six years, one shall be appointed for a term of four years and one shall be appointed for a term of two years. The County Executive shall nominate the initial appointees to the Personnel Review Commission not later than March 1, 2011 and thereafter within thirty days after the occurrence of a vacancy. The members of the Personnel Review Commission serving as of the effective date of this provision may serve until their existing term expires and may be subject to reappointment by Council.

No member of the Personnel Review Commission shall hold any other public office or public employment with the County. The Council shall establish a per diem compensation for the members of the Personnel Review Commission.

The Council may remove any member of the Personnel Review Commission for inefficiency, neglect of duty or malfeasance in office after notice and public hearing before the Council, provided that two-thirds of the members of the Council concur.

[Effective January 1, 2010; Article IX, Section 9.01 amended by the electors on November 5, 2013]

SECTION 9.02 AUTHORITY OF PERSONNEL REVIEW COMMISSION.

The Personnel Review Commission shall have:

- (1) Responsibility for the resolution or disposition of all personnel matters, with authority to appoint hearing officers to hear all employee appeals previously under the jurisdiction of the State Personnel Board of Review, including those of classified employees who work for the County Executive, Prosecuting Attorney, County Planning Commission, and the County Public Defender;
- (2) Responsibility for administration of compliance with federal and state laws regarding personnel matters within the County Executive's organization and departments;
- (3) For the County Executive's organization and departments, authority to ensure:
 - Pay equity for like positions;
 - Standardization of benefits;
 - Approval of qualifications;
 - Consistent discipline;
 - Training of management in personnel practices;
 - Training of employees in job functions;
 - Training for total quality management;
 - Consistent administration of performance management system;
 - Coordination of recruitment;
 - Compliance with ethics resolutions or ordinances as passed by the Council; and
- (4) Responsibility for creation of rules and policies related to the Personnel Review Commission's authority set forth in this Charter in accordance with the human resources policies established by ordinance;
- (5) Such other functions as may be deemed necessary by the Council for the Personnel Review Commission to carry out its mission and purpose.

[Effective January 1, 2010; Article IX, Section 9.02 amended by the electors on November 5, 2013]

SECTION 9.03 CLASSIFICATION.

The Personnel Review Commission shall administer a clear, countywide classification and salary administration system for technical, specialist, administrative and clerical functions with a limited number of broad pay ranges within each classification. The classification system shall include the employees of the offices listed in Article V of this Charter, as well as those of the County Executive and County Council except those employees in positions designated as unclassified by general law. The classification system shall, to the extent permitted by the Ohio Constitution, include the employees of all offices, officers, agencies, departments, boards, commissions or other public bodies, other than separate political subdivisions, that are supported in whole or in part from taxes levied, or other financial assistance provided, by the County.

[Effective January 1, 2010; Article IX, Section 9.03 amended by the electors on November 5, 2013]

SECTION 9.04 APPOINTING AUTHORITIES.

The County Executive and the officers, offices, agencies, departments, boards and commissions and other public bodies, who under this Charter or under general law are authorized to employ persons in the service of the County, shall be appointing authorities. Persons interested in employment with the County shall make application to the Department of Human Resources. No appointing authority shall appoint a person to fill a vacancy in the classified service who does not meet the qualifications for that position approved by the Personnel Review Commission. All Appointing Authorities shall strive in making appointments in both the classified and the unclassified service to ensure that the diversity of the population of the County is reflected in the persons who are employed by the County.

[Effective January 1, 2010; Article IX, Section 9.04 amended by the electors on November 5, 2013]

SECTION 9.05 DEPARTMENT OF HUMAN RESOURCES.

There shall be a Department of Human Resources, which shall, as part of its duties, perform such functions on behalf of the Personnel Review Commission as the Commission shall delegate. The Department of Human Resources shall provide regular reports to the Personnel Review Commission regarding the Department's performance of such delegated functions in accordance with timeframes established by the Personnel Review Commission.

[Effective January 1, 2010; Article IX, Section 9.05 amended by the electors on November 5, 2013]

SECTION 9.06 DIRECTOR OF HUMAN RESOURCES: POWERS, DUTIES AND QUALIFICATIONS.

The Director of Human Resources shall be appointed by the Executive, subject to confirmation by Council, and shall serve at the pleasure of the County Executive. The Director of Human Resources shall manage County employment matters including hiring, firing, discipline, layoffs, training, benefits, time and attendance, HR compliance, and drafting policies and procedures. The Director shall be responsible for offering support to the Law Department on all labor and employment matters. The Director of Human Resources shall have a minimum of five years of experience advising or working in the public sector, experience in employment related matters, management experience or related relevant experience.

[Effective January 1, 2010; Article IX, Section 9.06 amended by the electors on November 5, 2013]

ARTICLE X--PURCHASING

SECTION 10.01 DEPARTMENT OF PURCHASING.

There shall be a Department of Purchasing under the direction of the County Executive, which shall be responsible, except as otherwise provided by this Charter or by ordinance, and to the extent permitted by the Ohio Constitution, for the purchase of goods and services required by all offices, officers, agencies, departments, boards, commissions or other public bodies, other than separate political subdivisions, that are supported in whole or in part from taxes levied, or other financial assistance provided by the County.

[Effective January 1, 2010]

ARTICLE XI--INTERNAL AUDITING

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 terms ending one year and two years, respectively, following the end of the term of the 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 a 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.

[Effective January 1, 2010; Article XI, Section 11.01 amended by the electors on November 6, 2012]

SECTION 11.02 DEPARTMENT OF INTERNAL AUDITING.

There shall be a Department of Internal Auditing, which shall serve under the direction of, and perform such functions on behalf of, the County Audit Committee as the Committee shall prescribe.

[Effective January 1, 2010]

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. 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 terms. 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.

[Effective January 1, 2010; Article XI, Section 11.03 amended by the electors on November 6, 2012]

SECTION 11.04 AUTHORITY OF DEPARTMENT OF INTERNAL AUDITING.

The Department of Internal Auditing shall:

- (1) Prepare its annual budget and the work program for the Department of Internal Auditing;
- (2) Develop a schedule of department audit fees, which shall be billed to each department as it is audited;
- (3) Guide the internal audit process through employment of:
 - (a) Government Auditing Standards, United States General Accounting Office developed by the Comptroller General of the United States; and
 - (b) Professional Standards of the Institute of Internal Auditors, American Institute of Certified Public Accountants, generally accepted auditing standards or generally accepted successor to such standards;
- (4) Prepare a preliminary financial and performance auditing report for the department being audited; and
- (5) Perform any other duties or responsibilities prescribed by the County Audit Committee.

[Effective January 1, 2010]

ARTICLE XII--GENERAL PROVISIONS

SECTION 12.01 EFFECTIVE DATE OF CHARTER.

The effective date of this Charter shall be January 1, 2010 except as otherwise provided herein with respect to particular officers, offices or functions.

[Effective January 1, 2010]

SECTION 12.02 REMOVAL OF ELECTED OFFICIALS BY RECALL.

The County Executive, a member of the Council, and any other elected County officer may be removed from office by recall. The procedure to effect such removal shall be as follows:

(1) A petition signed by qualified electors demanding the election of a successor to the person sought to be removed shall contain a general statement, in not more than two hundred words, of the grounds upon which removal is sought. In seeking removal of the County Executive, the Prosecuting Attorney, or a member of Council, such petition must be signed by qualified electors of the County equal in number to at least ten percent of the number of votes cast for the office of County Executive at the next preceding County election. In seeking removal of a member of Council, such petition must be signed by qualified electors of that member's district equal in number to at least twenty percent of the number of votes cast in that district for the office of County Executive at the next preceding County election for that office.

(2) Petition papers shall be procured only from the Clerk of Council, who shall keep a sufficient number on file for the use as provided by this section. Prior to the issuance of such petition papers, an affidavit shall be made by one or more qualified electors of the County and filed with the Clerk of Council, stating the name and office of the official sought to be removed. The Clerk of Council, upon issuing any such petition paper, shall enter in a record to be kept in his or her office the name of the elector to whom the petition paper was issued, the date of such issuance and the number of papers issued. The Clerk of Council shall certify upon each petition paper the name of the elector to whom it was issued and the date of issuance. No petition paper so issued shall be accepted as part of a petition unless it bears the certificate of the Clerk of Council and unless it is filed as provided in this section.

(3) The petition shall be addressed to the Council. With each signature shall be stated the place of residence of the signer, giving the street and number and ward and precinct. The signatures need not all be on one paper. One of the circulators of every such paper shall sign an affidavit stating that each signature on the paper is the genuine signature of the person whose name it purports to be. All such papers for the removal of any one official shall be fastened together and be filed as one instrument within thirty days after the filing with the Clerk of Council of the affidavit stating the name and office of the official sought to be removed. The Clerk of Council, within ten days after the filing of such petitions, shall determine the sufficiency of such petition and attach a certificate showing the result of his or her examination. The petition shall contain the name of a person designated to receive the

petition in the case it is returned by the Clerk of Council for insufficiency. If the Clerk of Council shall certify that the petition is insufficient, he or she shall set forth in the certificate the particulars in which the petition is defective, and shall return a copy of the certificate to the person designated in such petition to receive it.

(4) A recall petition so returned may be amended at any time within twenty days after the certification of insufficiency by the Clerk of Council, by filing a supplementary petition upon additional petition papers, issued, signed and filed as provided in this section for the original petition. The Clerk of Council shall, within ten days after such amended petition is filed, make an examination of the amended petition and if his or her certificate shall show the same to be still insufficient, he or she shall return it to the person designated in such petition to receive it, without prejudice, however, to the filing of a new petition.

(5) If the Clerk of Council shall determine that the petition or amended petition is sufficient, he or she shall at once submit the petition with his or her certificate to the Council and forthwith notify the official sought to be recalled of such action. If the official whose removal is sought shall not resign within five days after such notice, the Council shall thereupon by order fix a day for holding a recall election. Such election shall be held not less than forty nor more than sixty days after the petition has been submitted to the Council by the Clerk of Council. If possible, the recall election shall take place at the time of any county general, primary or special election that is to be held within such period.

(6) The Clerk of Council shall transmit a duly certified copy of such order to the Cuyahoga County Board of Elections or to any successor officer or agency having responsibility for the conduct of elections in the County. The election authorities shall publish notice and make all arrangements necessary for holding an election. The election shall be conducted and the result returned and declared in all respects, as are the results of County general elections.

(7) Each ballot at such election shall have printed upon it the following question: "Shall (name of person) be removed from the office of (name of office) by recall?" Immediately beside said propositions shall be a space where electors may vote for or against such proposition.

(8) If a majority of the votes cast on the question of recalling an elected official shall be against the recall, the elected official shall continue in office for the remainder of his or her unexpired term but subject to recall as before. If a majority of such votes were for the recall, the elected official shall be deemed removed from office upon the announcement of the official result of the election.

(9) When a person is removed from office by recall, the vacancy will be filled in accordance with the provisions of this Charter and general law.

[Effective January 1, 2010]

SECTION 12.03 FORFEITURE OF OFFICE.

A County elected official shall forfeit that office if the officer

- (1) Lacks at any time during the term of office any qualification for the office prescribed by this Charter or by general law to the extent applicable under this Charter;
- (2) Knowingly violates any express prohibition of this Charter, including Section 12.04 hereof;
- (3) Is convicted of any felony or of any crime involving moral turpitude; or
- (4) In the case of a member of Council, fails to attend three consecutive regular meetings of the Council without being excused by the Council.

[Effective January 1, 2010]

SECTION 12.04 REPORTING OF OFFERS TO INFLUENCE OFFICIAL ACTION.

Any elected or appointed County officer who receives or who has specific and personal knowledge of any offer by any person of anything of value to be given to a County officer or employee for the purpose of influencing such officer or employee in the performance of such officer's or employee's official duties shall promptly report the matter to a law enforcement officer or agency believed by the reporting officer or employee to have jurisdiction or responsibility concerning the matter. Such officer or employee shall fully cooperate in any investigation of and any resulting prosecution or action relating to the matter.

[Effective January 1, 2010]

SECTION 12.05 MEETINGS OF GOVERNMENTAL BODIES TO BE PUBLIC.

All meetings of the Council and any committee, board, commission, agency or authority of the County, as well as any similar body created by this Charter or by the Council, shall be open to the public as provided by general law.

[Effective January 1, 2010]

SECTION 12.06 RECORDS OF GOVERNMENTAL BODIES TO BE PUBLIC.

Records of the County shall be open to the public as provided by general law.

[Effective January 1, 2010]

SECTION 12.07 EQUAL OPPORTUNITY.

It shall be the policy of the County that

- (1) All officers and members of boards, agencies, commissions and authorities appointed by the County Executive, the Council or other County elected officials;
- (2) All members of each Charter Review Commission; and
- (3) All County employees shall be appointed, employed, promoted, and compensated without regard to their race, color, religion, sex, national origin, sexual orientation, disability, age, or ancestry.

[Effective January 1, 2010]

SECTION 12.08 EMPLOYEE RIGHTS.

Employees of the County and its offices, agencies and departments shall have the right to organize and to engage in collective bargaining as provided by general law. Wages paid under construction contracts entered into by the County and its offices, agencies and departments shall be paid in accordance with general laws pertaining to payment of prevailing wages.

[Effective January 1, 2010]

SECTION 12.09 CHARTER REVIEW COMMISSION.

Commencing in September 2012, in September 2017, and at intervals of ten years thereafter, the County Executive, with the confirmation of the Council, shall appoint a Charter Review Commission consisting of nine electors of the County, no more than five of whom may be of the same political party, and no more than two of whom may be an officer or employee of the County. Appointment to the Charter Review Commission shall be for a term of one year. Members of the Charter Review Commission shall serve without pay and shall serve on no more than three consecutive Charter Review Commissions, unless such service is within a ten-year period. The Council shall establish rules and procedures for the operation of the Charter Review Commission and the County Executive shall provide the Commission necessary staff services.

The initial Charter Review Commission shall include in its deliberations consideration of changes in this Charter for the purpose of providing more effective representation of indigent defendants, for adequate funding and support for the operation of the office of the County public defender, and for the appropriate method for selection of the County public defender.

The Charter Review Commission may propose to the Council such amendments to this Charter as it shall deem appropriate. The final report of each Charter Review Commission, which shall include all proposed charter amendments and a summary of the Commission's activities, shall be transmitted to the Council for consideration by the first day of July following the formation of the Charter Review Commission. The Council shall vote within sixty days after the proposals are received on whether or not to submit the proposals to the electors at the next general election held more than sixty days after its vote on the proposed amendments.

[Effective January 1, 2010]

SECTION 12.10 CHARTER AMENDMENTS.

Proposed amendments to this Charter shall be submitted to the electors of the County in the manner provided for by the Ohio Constitution.

[Effective January 1, 2010]

SECTION 12.11 REARRANGEMENT, REPRINTING OF, AND CORRECTION OF TYPOGRAPHICAL ERRORS IN, THE CHARTER.

Following any election at which any amendment to this Charter is adopted, the Clerk of Council, with the approval of the Council and the Director of Law, may prior to any reprinting of this Charter, make such changes therein, including the numbers, titles and arrangement of articles and sections hereof, as may be necessary or desirable to maintain or assure the logical and consistent ordering thereof, but no such change shall in any way affect the substance or meaning of this Charter or any part thereof or amendment thereto. The Clerk of Council may, at any time, with the approval of the Council, correct typographical errors appearing in this Charter, but no such change shall in any way affect the substance or meaning of this Charter or any part thereof or amendment thereto.

[Effective January 1, 2010]

SECTION 12.12 SEVERABILITY.

The various provisions of this Charter are intended to be severable, and the invalidity of one or more of such provisions shall not affect the validity of the remaining provisions.

[Effective January 1, 2010]

ARTICLE XIII--TRANSITION TO CHARTER GOVERNMENT

SECTION 13.01 OFFICES ABOLISHED.

As of the date when any officer elected or appointed pursuant to this Charter assumes an office that succeeds to the powers and duties of a predecessor office, the corresponding predecessor office is abolished, and the duties of those officers shall be assumed by the respective officers as provided herein.

[Effective January 1, 2010]

SECTION 13.02 INITIAL ELECTION OF COUNTY OFFICERS.

No primary election shall be held in 2010 for any elected office that is abolished pursuant to this Charter. The primary election for the nomination of County officials to be elected at the November 2010 general election shall be held on the first Tuesday after the first Monday in September 2010. That primary election shall be conducted in the manner provided by general law for primary elections for the nomination of county elected officials, provided that filing deadlines and other matters of time relating to a primary election, including those relating to declarations of candidacy for nonpartisan candidates, shall be adjusted as necessary relative to the primary date provided for in this section. The initial terms of the six members elected from Council Districts 1, 3, 5, 7, 9, and 11 shall be for four years, and the initial terms for the members elected from Districts 2, 4, 6, 8, and 10 shall be for two years.

[Effective January 1, 2010]

SECTION 13.03 OFFICERS AND EMPLOYEES.

(1) **Rights and Privileges Preserved.** Nothing in this Charter except as otherwise specifically provided shall affect or impair the rights or privileges of persons who are County officers or employees at the time of its adoption.

(2) **Continuance of Office or Employment.** Except as specifically provided by this Charter, if at the time this Charter takes effect a County administrative officer or employee holds any office or position that is or can be abolished by or under this Charter, he or she shall continue in such position until the taking effect of some specific provision under this Charter directing that he or she vacate the office or position.

(3) **Human Resource System.** An employee holding a County position at the time this Charter takes full effect who was serving in that same or a comparable position at the time of its adoption shall not be subject to competitive examination as a condition of continuing in the same position, but in all other respects shall be subject to the provision of this Charter and ordinances and regulations enacted pursuant to this Charter relating to the human resource system.

[Effective January 1, 2010]

SECTION 13.04 DEPARTMENTS, OFFICES AND AGENCIES.

(1) **Transfer of Powers.** If a County department, office or agency is abolished by this Charter, or if a portion of the powers and duties of a department, office or agency is transferred hereby to another department, office or agency, such powers and duties shall be transferred to the County department, office or agency designated in this Charter, or, if this Charter makes no provision therefor, as designated by ordinance.

(2) **Property and Records.** All property, records and equipment of any department, office or agency in existence when this Charter becomes effective shall be transferred to any department, office or agency that assumes its powers and duties as provided herein, but, in the event that the powers or duties are to be discontinued or divided between such entities or in the event that any conflict arises regarding any such transfer, such property, records or equipment shall be transferred to the department, office or agency designated by the Council in accordance with this Charter.

[Effective January 1, 2010]

SECTION 13.05 PENDING MATTERS.

All rights, claims, orders, contracts and legal administrative proceedings shall continue except as modified pursuant to this Charter, and in each case shall be maintained, carried out or dealt with by the County department, office or agency as shall be appropriate under this Charter.

[Effective January 1, 2010]

SECTION 13.06 LAWS IN FORCE.

All County resolutions, orders and regulations that are in force when this Charter becomes fully effective are repealed to the extent that they are inconsistent or interfere with the effective operation of this Charter or of ordinances or resolutions enacted pursuant hereto.

To the extent that general law permits, all laws relating to or affecting the County or its officers, agencies, departments or employees that are in force when this Charter becomes fully effective are superseded to the extent that they are inconsistent or interfere with the effective operation of this Charter or of ordinances or resolutions enacted pursuant hereto.

[Effective January 1, 2010]

SECTION 13.07 TRANSITION ADVISORY GROUP.

The Board of County Commissioners, not later than March 2010, shall designate three senior administrative officials of the County to act as a Transition Advisory Group, which shall develop recommendations for the orderly and efficient transition to the operation of the County government under the provisions of this Charter and shall work with the newly elected County officials. The Board of County Commissioners shall provide necessary facilities and support for the Transition Advisory Group and shall make provision in the budget of the County for the salaries of the elected officers who are to take office in January 2011 and for such other matters as shall be necessary and practicable to provide for the transition. All County officials and employees shall cooperate with the Transition Advisory Group by providing such information and documents as the Transition Advisory Group shall request in connection with the performance of its duties under this section and shall use their best efforts to assist the newly elected County officials and their designees and representatives in implementing the transition.

[Effective January 1, 2010]

APPENDIX A INITIAL COUNCIL DISTRICTS

District 1: The cities of Bay Village, Fairview Park, North Olmsted, Rocky River, and Westlake, and Olmsted Township, all except Precinct D

District 2: The cities of Brook Park, Lakewood, and city of Cleveland Wards 18 and 19

District 3: The city of Cleveland, Wards 13, 14, 15, 16, and 17

District 4: The cities of Brooklyn, Parma, Parma Heights, Seven Hills, and the village of Linndale

District 5: The cities of Berea, Middleburg Heights, North Royalton, Olmsted Falls, and Strongsville, and Olmsted Township Precinct D

District 6: The cities of Brecksville, Broadview Heights, Highland Heights, Independence, Mayfield Heights, Pepper Pike, and Solon, and villages of Bentleyville, Brooklyn Heights, Chagrin Falls, Cuyahoga Heights, Gates Mills, Glenwillow, Hunting Valley, Mayfield, Moreland Hills, Newburgh Heights, Oakwood, Valley View, and Walton Hills, and Chagrin Falls Township.

District 7: The city of Cleveland Wards 3, 7, 8, 9, and 12.

District 8: The city of Cleveland Wards 2, 5, and 6, and the cities of Garfield Heights and Maple Heights

District 9: The cities of Bedford, Bedford Heights, Cleveland Wards 1 and 4, Shaker Heights, and Warrensville Heights, and the villages of Highland Hills, North Randall, Orange, and Woodmere

District 10: The cities of Cleveland Wards 10 and 11, East Cleveland and Cleveland Heights, and the village of Bratenahl

District 11: The cities of Beachwood, Euclid, Lyndhurst, Richmond Heights, South Euclid, and University Heights

All Cleveland wards are as established by Ordinance No. 370-09 and Ordinance No. 417-09 enacted by the Cleveland City Council on March 23, 2009, and March 30, 2009, respectively.

[Effective January 1, 2010]

CERTIFICATION OF NOVEMBER 5, 2013 CHARTER AMENDMENTS

I, Jeanne M. Schmotzer, Clerk of Council of the County of Cuyahoga, Ohio, do hereby certify that, pursuant to Section 12.11 of the Charter, I have corrected various typographical errors and incorporated amendments approved by the electors on November 5, 2013.

/s/ Jeanne M. Schmotzer
Jeanne M. Schmotzer, Clerk of Council

12/2/2013
Date

I, Majeed G. Makhoulf, Director of Law of the County of Cuyahoga, Ohio, do hereby approve the correction of various typographical errors and amendments as incorporated by the Clerk of Council, pursuant to Section 12.11 of the Charter.

/s/ Majeed G. Makhoulf
Majeed G. Makhoulf, Director of Law

12/2/2013
Date

CERTIFICATION OF NOVEMBER 5, 2013 CHARTER AMENDMENTS

I, Jeanne M. Schmotzer, Clerk of Council of the County of Cuyahoga, Ohio, do hereby certify that, pursuant to Section 12.11 of the Charter, I have corrected various typographical errors and incorporated amendments approved by the electors on November 5, 2013.

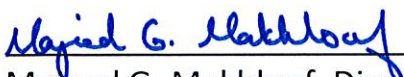


Jeanne M. Schmotzer, Clerk of Council

12/2/2013

Date

I, Majeed G. Makhlof, Director of Law of the County of Cuyahoga, Ohio, do hereby approve the correction of various typographical errors and amendments as incorporated by the Clerk of Council, pursuant to Section 12.11 of the Charter.



Majeed G. Makhlof, Director of Law

12 | 2 | 2013

Date

CERTIFICATION OF NOVEMBER 6, 2012 CHARTER AMENDMENTS

I, Jeanne M. Schmotzer, Clerk of Council of the County of Cuyahoga, Ohio, do hereby certify that, pursuant to Section 12.11 of the Charter, I have corrected various typographical errors and incorporated amendments approved by the electors on November 6, 2012.

/s/Jeanne M. Schmotzer
Jeanne M. Schmotzer, Clerk of Council

11/29/2012
Date

I, Majeed G. Makhlof, Director of Law of the County of Cuyahoga, Ohio, do hereby approve the correction of various typographical errors and amendments as incorporated by the Clerk of Council, pursuant to Section 12.11 of the Charter.

/s/Majeed G. Makhlof
Majeed G. Makhlof, Director of Law

11/29/2012
Date