



AGENDA
CUYAHOGA COUNTY COMMITTEE OF THE WHOLE MEETING
TUESDAY, JULY 17, 2018
CUYAHOGA COUNTY ADMINISTRATIVE HEADQUARTERS
C. ELLEN CONNALLY COUNCIL CHAMBERS – 4TH FLOOR
1:00 PM

1. CALL TO ORDER

2. ROLL CALL

3. PUBLIC COMMENT

4. ITEMS REFERRED TO COMMITTEE:

- a) R2018-0140: A Resolution providing for the submission to the electors of the County of Cuyahoga an amendment to enact Article XV of the County Charter establishing the Agency of Inspector General and to provide for the appointment, removal, qualifications, and the powers and duties, including access to county information and subpoena power, of the Inspector General; and declaring the necessity that this Resolution become immediately effective. (See Page 3)

- b) R2018-0141: A Resolution providing for the submission to the electors of the County of Cuyahoga an amendment to Article IX of the County Charter clarifying the roles and responsibilities of the Personnel Review Commission and the Department of Human Resources, to prohibit discrimination on the basis of gender identity/expression in county employment, and to provide for the establishment of the unclassified service by general law and council ordinance; and declaring the necessity that this Resolution become immediately effective. (See Page 7)

- c) R2018-0142: A Resolution providing for the submission to the electors of the County of Cuyahoga an amendment to Article XI, Section 11.04 of the County Charter to provide the Department of Internal Auditing discretion to bill departments for the cost of conducting audits and in adopting auditing standards; and declaring the necessity that this Resolution become immediately effective. (See Page 13)

- d) R2018-0143: A Resolution providing for the submission to the electors of the County of Cuyahoga an amendment to Article III, Section 3.09 of the County Charter to empower the Council to enact laws governing the election of county officers; and declaring the necessity that this Resolution become immediately effective. (See Page 16)

5. MISCELLANEOUS BUSINESS

6. ADJOURNMENT

**Complimentary parking for the public is available in the attached garage at 900 Prospect. A skywalk extends from the garage to provide additional entry to the Council Chambers from the 5th floor parking level of the garage. Please see the Clerk to obtain a complimentary parking pass.*

***Council Chambers is equipped with a hearing assistance system. If needed, please see the Clerk to obtain a receiver.*

County Council of Cuyahoga County, Ohio

Resolution No. R2018-0140

<p>Sponsored by: Council President Brady on behalf of Charter Review Commission and Councilmembers Miller, Simon, Conwell, Jones, Baker, Houser, Schron, Brown, Gallagher and Tuma</p>	<p>A Resolution providing for the submission to the electors of the County of Cuyahoga an amendment to enact Article XV of the County Charter establishing the Agency of Inspector General and to provide for the appointment, removal, qualifications, and the powers and duties, including access to county information and subpoena power, of the Inspector General; and declaring the necessity that this Resolution become immediately effective.</p>
---	---

WHEREAS, Article XII, Section 12.09 of the Charter of Cuyahoga County provides that “The Charter Review Commission may propose to the Council such amendments to this Charter as it shall deem appropriate” and “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”; and

WHEREAS, Article XII, Section 12.10 of the Charter of Cuyahoga County provides that “[p]roposed 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, the Council believes it is in the best interest of the citizens of the County of Cuyahoga to amend the County Charter as provided hereinafter.

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 XII, Sections 12.09 and 12.10 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, 2018, the question of enacting Article XV of the

Charter of Cuyahoga County, the respective text to be set forth herein (additions bolded and underlined and deletions stricken):

ARTICLE XV—AGENCY OF INSPECTOR GENERAL

SECTION 15.01 AGENCY OF INSPECTOR GENERAL.

(1) Powers and Duties. The Inspector General shall serve as the County’s chief ethics officer and shall direct the Agency of Inspector General. The County Executive and the County Council shall appropriate funding for the Agency’s operations, fairly allocated through the regular budget process based on available resources. The Council may, by ordinance, further delineate the powers and duties of the Agency of Inspector General, consistent with this Article XV.

(2) Jurisdiction. To the maximum extent permitted under the Constitution of the State of Ohio and this Charter, the authority of the Agency of Inspector General to investigate possible ethical violations in the conduct of County business shall extend to any employee, official, or appointee of the County and any person or entity doing business with the County.

(3) Qualifications. The Inspector General shall have at least five years’ experience as an inspector general, certified public accountant, auditor, licensed attorney, law enforcement officer, or other investigative officer involving supervisory or managerial experience.

(4) Appointment and Term. The Inspector General shall be appointed by the County Executive, subject to confirmation by Council, for a term of four years. The term of the incumbent Inspector General shall expire on December 31, 2020. Each subsequent Inspector General shall be appointed or reappointed for a term commencing on January 1, 2021, and every four years thereafter. Reappointments shall be subject to Council confirmation.

(5) Removal. During the term of appointment, the Inspector General may be removed from office only for cause by resolution receiving the affirmative vote of at least eight members of the Council. The Council shall not vote on the question of the removal of the Inspector General until the Council has provided the Inspector General the opportunity to be heard and to present his or her case for retention in office. The Council may enter executive session to discuss the question of removal as provided by general law; provided the Council holds at least one public hearing where the Inspector General and the public have an opportunity to be heard.

(6) Vacancy. In the event of a vacancy prior to the expiration of the Inspector General’s term, the County Executive shall appoint a successor to complete the unexpired term, subject to confirmation by Council. In the event a vacancy

occurs less than two years prior to the expiration of the Inspector General's four-year term, the County Executive may appoint an Inspector General to complete the unexpired term and serve a subsequent four-year term, subject to confirmation by Council.

(7) Access to County Information. The Inspector General shall have the right to obtain full and unrestricted access to all records, reports, plans, projections, matters, contracts, memoranda, correspondence, and any other materials, including electronic data, of Cuyahoga County, relevant to any inquiry or investigation undertaken pursuant to this Article XV, except as may be legally limited, such as through attorney-client privilege or provisions of the Health Insurance Portability and Accountability Act (HIPAA).

(8) Subpoena Power. The Inspector General shall have authority to subpoena witnesses, administer oaths or affirmations, take testimony and compel the production of such books, papers, records and documents, including electronic data as is deemed to be relevant to any inquiry or investigation undertaken pursuant to this Article XV.

SECTION 2. Pursuant to Article X, Section 4 of the Ohio Constitution and Article XII, Section 12.09 and 12.10 of the Charter of the County of Cuyahoga, this Council hereby directs that the proposed enactment of Article XV shall be submitted to the Board of Elections of Cuyahoga County, and the question to be submitted on the ballot shall read as follows:

PROPOSED AMENDMENT TO COUNTY CHARTER

Shall Article XV be enacted to establish the Agency of Inspector General and to provide for the appointment, removal, qualifications, and the powers and duties, including access to county information and subpoena power, of the Inspector General as the chief ethics officer of Cuyahoga County?

SECTION 3. 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 day (120) days and not later than sixty (60) days before the November 6, 2018 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 4. 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, 2018 election. Provided that this Resolution receives the affirmative vote of eight (8) members of Council, it shall become immediately effective.

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 _____, seconded by _____, the foregoing Resolution was duly adopted.

Yeas:

Nays:

County Council President

Date

Clerk of Council

Date

First Reading/Referred to Committee: July 10, 2018

Committee(s) Assigned: Committee of the Whole

Journal _____
_____, 20__

County Council of Cuyahoga County, Ohio

Resolution No. R2018-0141

<p>Sponsored by: Council President Brady on behalf of Charter Review Commission and Councilmembers Miller, Simon, Conwell and Brown</p>	<p>A Resolution providing for the submission to the electors of the County of Cuyahoga an amendment to Article IX of the County Charter clarifying the roles and responsibilities of the Personnel Review Commission and the Department of Human Resources, to prohibit discrimination on the basis of gender identity/expression in county employment, and to provide for the establishment of the unclassified service by general law and council ordinance; and declaring the necessity that this Resolution become immediately effective.</p>
--	--

WHEREAS, Article XII, Section 12.09 of the Charter of Cuyahoga County provides that “The Charter Review Commission may propose to the Council such amendments to this Charter as it shall deem appropriate” and “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”; and

WHEREAS, Article XII, Section 12.10 of the Charter of Cuyahoga County provides that “[p]roposed 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, the Council believes it is in the best interest of the citizens of the County of Cuyahoga to amend the County Charter as provided hereinafter.

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 XII, Sections 12.09 and 12.10 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, 2018, the question of amending Article IX of the Charter of Cuyahoga County, the respective text to be set forth herein (additions bolded and underlined and deletions stricken):

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, **gender identity/expression**, 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.

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~~ **reviewing and auditing** compliance with federal, ~~and state,~~ **and local** laws regarding personnel matters within the County Executive's organization and departments. This **responsibility shall include the authority to submit reports and recommendations to the County Executive and County Council on issues of compliance;**

(3) For the County Executive's organization and departments, authority to ~~ensure~~ **review, audit, report and make recommendations regarding the following:**

- 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) Sole responsibility for civil service testing for initial and promotional appointments within the classified service of the County in cooperation with the Department of Human Resources, and

~~(5)~~**(6)** Such other functions as may be deemed necessary by the Council for the Personnel Review Commission to carry out its mission and purpose.

SECTION 9.03 CLASSIFICATION.

(1) 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~~ classified employees of the charter government, and pay ranges withinfor each classification that are adopted by Council resolution. A change to the pay range assigned to a classification may not be enacted until an analysis of the budgetary impact has been conducted. The PRC in collaboration with the Human Resources Department will conduct the budgetary impact analysis. ~~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.~~

(2) The unclassified service shall include those employees who are unclassified pursuant to general law and Council Ordinance.

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.

SECTION 9.05 DEPARTMENT OF HUMAN RESOURCES.

There shall be a Department of Human Resources, which shall, **report to the County Executive and be responsible for management of all personnel matters for employees of the County Executive.** ~~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.~~

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 **for employees of the County Executive** including, **but not limited to, recruitment, hiring, firing, discipline, layoffs, training, benefits, time and attendance, HR compliance, and drafting policies and procedures, and individual compensation decisions within the framework of the classification and salary administration system and/or any rules established by ordinance.** 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.

SECTION 2. Pursuant to Article X, Section 4 of the Ohio Constitution and Article XII, Section 12.09 and 12.10 of the Charter of the County of Cuyahoga, this Council hereby directs that the proposed amendment of Article IX shall be submitted to the Board of Elections of Cuyahoga County, and the question to be submitted on the ballot shall read as follows:

PROPOSED AMENDMENT TO COUNTY CHARTER

Shall Article IX be amended to clarify the roles and responsibilities of the Personnel Review Commission and the Department of Human Resources, to prohibit discrimination in county employment on the basis of gender identity/expression, and to provide for the establishment of the unclassified service by general law and council ordinance?

SECTION 3. If the foregoing proposal receives the affirmative vote of a majority of electors voting thereon, the existing provisions of Article IX 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 day (120) days and not later than sixty (60) days before the November 6, 2018 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, 2018 election. Provided that this Resolution

County Council of Cuyahoga County, Ohio

Resolution No. R2018-0142

<p>Sponsored by: Council President Brady on behalf of Charter Review Commission and Councilmember Conwell</p>	<p>A Resolution providing for the submission to the electors of the County of Cuyahoga an amendment to Article XI, Section 11.04 of the County Charter to provide the Department of Internal Auditing discretion to bill departments for the cost of conducting audits and in adopting auditing standards; and declaring the necessity that this Resolution become immediately effective.</p>
--	--

WHEREAS, Article XII, Section 12.09 of the Charter of Cuyahoga County provides that “The Charter Review Commission may propose to the Council such amendments to this Charter as it shall deem appropriate” and “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”; and

WHEREAS, Article XII, Section 12.10 of the Charter of Cuyahoga County provides that “[p]roposed 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, the Council believes it is in the best interest of the citizens of the County of Cuyahoga to amend the County Charter as provided hereinafter.

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 XII, Sections 12.09 and 12.10 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, 2018, the question of amending Article XI,

Section 11.04 of the Charter of Cuyahoga County, the respective text to be set forth herein (additions bolded and underlined and deletions stricken):

ARTICLE XI – INTERNAL AUDITING

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 ~~may~~ 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 or
 - (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.

SECTION 2. Pursuant to Article X, Section 4 of the Ohio Constitution and Article XII, Section 12.09 and 12.10 of the Charter of the County of Cuyahoga, this Council hereby directs that the proposed amendment of Article XI, Section 11.04 shall be submitted to the Board of Elections of Cuyahoga County, and the question to be submitted on the ballot shall read as follows:

PROPOSED AMENDMENT TO COUNTY CHARTER

Shall Article XI, Section 11.04 be amended to provide the Department of Internal Auditing discretion to bill departments for the cost of conducting audits and in adopting auditing standards?

SECTION 3. If the foregoing proposal receives the affirmative vote of a majority of electors voting thereon, the existing provisions of Article XI, Section 11.04 which are inconsistent herewith, shall be and the same are hereby repealed effective as of the date on which such amendment becomes effective.

County Council of Cuyahoga County, Ohio

Resolution No. R2018-0143

Sponsored by: Council President Brady on behalf of Charter Review Commission	A Resolution providing for the submission to the electors of the County of Cuyahoga an amendment to Article III, Section 3.09 of the County Charter to empower the Council to enact laws governing the election of county officers; and declaring the necessity that this Resolution become immediately effective.
---	---

WHEREAS, Article XII, Section 12.09 of the Charter of Cuyahoga County provides that “The Charter Review Commission may propose to the Council such amendments to this Charter as it shall deem appropriate” and “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”; and

WHEREAS, Article XII, Section 12.10 of the Charter of Cuyahoga County provides that “[p]roposed 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, the Council believes it is in the best interest of the citizens of the County of Cuyahoga to amend the County Charter as provided hereinafter.

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 XII, Sections 12.09 and 12.10 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, 2018, the question of amending Article III, Section 3.09 of the Charter of Cuyahoga County, the respective text to be set forth herein (additions bolded and underlined and deletions stricken):

ARTICLE III – THE COUNCIL

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.

(13) To establish by ordinance campaign related laws governing the election of any County officers and officials including, without limitation, campaign finance regulation, donor disclosure requirements, donor age limits, enforcement or other provisions to avoid 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.

SECTION 2. Pursuant to Article X, Section 4 of the Ohio Constitution and Article XII, Section 12.09 and 12.10 of the Charter of the County of Cuyahoga, this Council hereby directs that the proposed amendment of Article III, Section 3.09 shall be submitted to the Board of Elections of Cuyahoga County, and the question to be submitted on the ballot shall read as follows:

PROPOSED AMENDMENT TO COUNTY CHARTER

Shall Article III, Section 3.09 be amended to empower the Council to enact laws governing the election of county officers including campaign finance regulation, donor disclosure requirements, donor age limits, enforcement or other provisions to avoid violations of the public trust?

First Reading/Referred to Committee: July 10, 2018
Committee(s) Assigned: Committee of the Whole

Journal _____
_____, 20__



July 1, 2018

The Honorable Dan Brady, President
Cuyahoga County Council
Cuyahoga County Administration Building
2079 East Ninth Street, 8th Floor
Cleveland, OH 44115

Re: Cuyahoga County Charter Review Commission Final Report

Dear President Brady:

Please find attached the final report of the Cuyahoga County Charter Review Commission. This document is authorized, required and issued under the provisions of Section 12.09 of Cuyahoga County's Charter and by the provisions of Cuyahoga County Code Section 206.06.

The Commission's current iteration was impaneled in September of 2017. Its nine members, undertook to determine what Charter modification issues, if any, arose following the issuance of the final report of its immediate predecessor in July of 2013. A review of that report reveals that of the fifteen recommendations made for the consideration by County Council, several were rejected. Others are still pending definitive Council action.

This Commission purposely chose not to revisit items thoroughly vetted and previously presented to Council by our predecessors, unless we were made aware of new information warranting a fresh look. In addition to our own review of the Charter, we invited input from elected and appointed public officials and from the general public at large as to any matters deemed appropriate to justly warrant our attention.

On behalf of the members of the Commission, I wish to convey to the members of Council, and to the County Executive, that it has been our great honor and privilege to serve. We thank you for the opportunity. We pray that you and your colleagues will find that we addressed our task in a way that produced valuable, effective and efficient ideas for addressing the outstanding Charter issues that we scrutinized. We stand ready to assist in any way possible to move this process forward.

Very truly yours,

Ronald B. Adrine, Chairman
Cuyahoga County Charter Review Commission

cc: County Executive Budish
Members of Cuyahoga County Council
Members of the Cuyahoga County Charter Review Commission

Cuyahoga County
Charter Review Commission
Final Report



2017-2018

The Honorable Ronald B. Adrine, Chairman
Dennis Kennedy, Vice Chairman
Diane Downing
The Honorable Susan A. Drucker
Michael W. King
The Honorable Thomas P. Perciak
Claire Rosacco
Victor A. Ruiz
Davida Russell

TABLE OF CONTENTS

	<u>PAGE</u>
Prologue.....	3
The Commission.....	5
Meetings.....	5
Persons Appearing before the CRC.....	5
Issues/Topics.....	5
Issues/Topics Deferred.....	6
Executive and Council Succession.....	6
Recommendations.....	7
Proposed Amendments	
Amendment 1 – Human Resources/Personnel Review Commission.....	8
Amendment 2 – Campaign Finance.....	12
Amendment 3 – Inspector General.....	13
Amendment 4 – Internal Audit.....	15
Appendix A – Meeting Days.....	17
Appendix B – Persons Appearing Before the CRC.....	18

Charter Review Commission

Prologue

The drafters of the original 2009 Cuyahoga County Charter initiated a radical overhaul of the County's governance structure. They recognized that anticipating every unintended consequence of their work was highly unlikely. In their wisdom, the drafters, therefore, provided language in the charter that put forth a scheduling mechanism for the periodic review of the charter's provisions. An initial charter review was scheduled to occur in 2013, four years after its initial adoption. Another review was set to take place five years thereafter, in 2018. From that point forward, the charter calls for additional reviews, to convene every ten years.

In June of 2017, the Honorable Armond Budish, County Executive, selected the 2018 Charter Review Commission, as required, and swore in its members on September 6th of that year. As its first order of business, the Commission conducted a review of the work completed by its predecessor, the 2013 Charter Review Commission.

From that review, the current Commission determined that it would only revisit topics addressed by the 2013 commission where additional information warranted a fresh look. Many of the issues that the 2013 Commission studied resulted in referrals to County Council for ballot placement. Council chose to place some of those matters before the voters. In other instances, it chose not to do so. In still others, Council deferred placing some items on the ballot until the following year.

The current Commission also decided to focus its attention on a number of new issues, and subjected both new and remaining issues to an intense vetting process.

The Commission's members and those who staffed the Commission accomplished that process by establishing and adhering to an effective set of operational guidelines. Those guidelines included:

- Establishment of timetables for the submission of all issues to the Commission for its review and consideration,
- Regular and specially scheduled meetings to receive input from the public and to discuss and debate the issues presented,
- Establishment of criteria for acceptance or rejection of proposed amendments to the Charter,
- Allowance of enough time to complete the Commission's work and to prepare and present its final report, with recommendations, to County Council by the mandated July, 2018 deadline.

Of these guidelines, perhaps the most useful from the Commission's standpoint, was the establishment of criteria for accepting or rejecting proposed amendments to the current Charter. Any number of proposals coming before the Commission presented excellent arguments for reform of the County's current administrative and/or business model. However, the Commission's job was to identify those proposals that made the case for adding to or modifying the Charter, which serves as the county's fundamental governance document. The following criteria provides the standard of review that successful proposals met:

- Was the proposal evaluated by the prior Charter Review Commission?
- If so, did the current proposal present new information or conditions not considered previously?
- Did the new proposal clarify the Charter in some way? Either by:
 - Clarifying Language, or
 - Clarifying Purpose
- Was the subject matter of the proposal best handled by amending the Charter? (As opposed to enacting an ordinance?)
- Did the proposed amendment contribute to more effective government?
- Are the powers & opportunities for County Government appropriately increased by the proposed amendment?

In the end, the Commission concluded that only the handful of proposals recommended in this report for placement on the ballot cleared the bar set.

We would be remiss if we did not highlight the extraordinary assistance we received from all the members of the county's staff who were detailed to advance our efforts. It is not hyperbolic to say that without their hard work this project would not have succeeded. Special plaudits must go to Nathan Kelly, who served as our initial point of contact in county government, and then to Jeane' Holley who picked up the ball and never missed a step when Nathan left the county to pursue other opportunities early in the process.

It is the considered opinion of this body that the original Cuyahoga County Charter, drafted by some of the county's most influential, concerned and involved citizens, has, for the most part, stood the test of time and served this community well since its adoption. Major revision to the document was neither needed nor desirable. We recommend to our successors the measured and incremental approach we applied in our review. Radical change to fundamental documents such as the charter must be reserved for those situations where fundamental flaws, such as those that gave rise to the enactment of the original Charter, are exposed. The mere fact that a review is required does not implicate the need for change. To coin and paraphrase an idiom, we found no need to let the perfect get in the way of the good.

The Commission

In accordance with Section 12.09 of the Charter, County Executive Armond Budish appointed the nine members of the Charter Review Commission (CRC) in June 2017. The members of the Commission are:

The Honorable Ronald B. Adrine, Judge (retired)

Diane Downing, Senior Vice President, Director of Corporate Affairs, The Huntington National Bank

The Honorable Susan A. Drucker, Mayor (retired), City of Solon

Dennis Kennedy, Fiscal Officer, Fiscal Office, Cuyahoga County

Michael W. King, Special Counsel, Cuyahoga County Council

The Honorable Thomas P. Perciak, Mayor, City of Strongsville

Claire Rosacco, Vice President, Government Relations & Community Outreach, Cuyahoga Community College

Victor A. Ruiz, Executive Director, Esperanza, Inc.

David Russell, State President, CLUW; President, OAPSE/AFSCME Local 4 Ohio Northeast District

Meetings

The Commission held 12 regular meetings, plus one community meeting. The dates of these meetings are listed in Appendix A.

Persons Appearing Before CRC

Over nine months, public officials and interested citizens met with the CRC, some on more than one occasion. The list of those appearing before the CRC are listed in Appendix B.

Issues/Topics

In October 2017 the Charter Review Commission solicited written proposals from both the public and key county stakeholders. Everyone who submitted a written proposal was then provided an opportunity to present their ideas before the commission in a public meeting. The following issues/topics were raised by those appearing before the commission:

- The Amendment of the Charter to Specifically Reference and Include the Office of Inspector General
- The Institution of a Nonpartisan Primary and General Political Election Process
- Clarification of the Roles of the Personnel Review Commission vis-à-vis those of the Department of Human Resources
- The Establishment of Open Political Primary elections
- Establishment of the Sheriff's Office as an Elected Rather than an as an Appointed Position in County Government
- Provision of a funding stream to provide trauma-informed care for Children of Those Incarcerated by the County
- Amendment of Charter sections dealing with Executive and Council Succession, Following a Vacancy in Office
- Addition of Language to the Charter, Addressing Campaign Finance Issues
- Technical Adjustments to the County's Internal Audit Policies and Procedures*

*The Internal Audit proposal was brought to the Commission's attention in June 2018 on the recommendation of the County Audit Committee.

Issues/Topics Deferred

The Commission was open to and welcomed any issues/topics brought before it but, using the criteria outlined above, purposely focused the most time and attention to the pressing issues facing county government. Accordingly, the Commission elected to render no recommendations on the following issues at this time, leaving those and others for further charter review commissions to consider:

- The Institution of a Nonpartisan Primary and General Political Election Process
- The Establishment of Open Political Primary elections
- Establishment of the Sheriff's Office as an Elected Rather than as an Appointed Position in County Government
- Provision of a funding stream to provide trauma-informed care for Children of Those Incarcerated by the County

Executive and Council Succession

The Commission spent considerable time examining ways in which the process for succession for both the Office of County Executive and County Council could be improved. The Commission acknowledged that the Charter's existing succession provisions are deficient in a number of ways, including: (1) the potential for a single vacancy in the Office of County Executive to disrupt the leadership of the Council, (2) extended periods of time during which interim appointments may serve before facing election, and (3) the potential disruption that could ensue if vacancies were to occur in the midst of a mid-term election cycle.

The Commission discussed this issue at length, soliciting input from County Councilman Dale Miller (who originally proposed this item), County Executive Armond

Budish, and key staff members from the Cuyahoga County Board of Elections. Due to the breadth and complexity of the various options, as well as the practical and financial constraints of the election process, however, the Commission could not reach consensus on a particular proposal. Nevertheless, the Commission feels this item warrants further review, and urges the Council and/or successor Charter Review Commissions to revisit this issue in the future.

Recommendations

As required by the Charter and the Rules and Procedures, the Commission is recommending four amendments to the Cuyahoga County Charter.

The Commission hereby recommends the following changes in the Charter to be sent to the voters for their consideration during this November's election:

CHARTER REVIEW COMMISSION: PROPOSED AMENDMENTS

Additions to current Charter language are underlined, deletions are stricken.

AMENDMENT 1.

ROLES OF THE PERSONNEL REVIEW COMMISSION AND THE DEPARTMENT OF HUMAN RESOURCES/PROPOSED AMENDMENTS TO ARTICLE IX

[Amendment as formally adopted by the CRC on 06/11/2018 by a vote of 7-0]

PROPOSED LANGUAGE

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, gender identity/expression, 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.

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~~ reviewing and auditing compliance with federal, ~~and state, and local~~ laws regarding personnel matters within the County Executive's organization and departments. This responsibility shall include the authority to submit reports and recommendations to the County Executive and County Council on issues of compliance;

(3) For the County Executive's organization and departments, authority to ~~ensure review, audit, report and make recommendations regarding the following:~~

- 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) Sole responsibility for civil service testing for initial and promotional appointments within the classified service of the County in cooperation with the Department of Human Resources, and

~~(5)~~(6) Such other functions as may be deemed necessary by the Council for the Personnel Review Commission to carry out its mission and purpose.

SECTION 9.03 CLASSIFICATION.

(1) 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~~ classified employees of the charter government, and pay ranges ~~within~~for each classification that are adopted by Council resolution. A change to the pay range assigned to a classification may not be enacted until an analysis of the budgetary impact has been conducted . The PRC in collaboration with the Human resources Department will conduct the budgetary impact analysis. ~~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.~~

(2) The unclassified service shall include those employees who are unclassified pursuant to general law and Council Ordinance.

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.

SECTION 9.05 DEPARTMENT OF HUMAN RESOURCES.

There shall be a Department of Human Resources, which shall, report to the County Executive and be responsible for management of all personnel matters for employees of the County Executive. ~~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.~~

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 for employees of the County Executive including, but not limited to, recruitment, hiring, firing, discipline, layoffs, training, benefits, time and attendance, HR compliance, and drafting policies and procedures, and individual compensation decisions within the framework of the classification and salary administration system and/or any rules established by ordinance. 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.

Rationale:

This amendment originated as a collaborative effort between the County's Department of Human Resources (HR) and the Personnel Review Commission (PRC). The HR Department and the PRC had separately come before the Commission to present proposals to amend Article IX of the Charter. Both agencies had identified Charter provisions where the delineation of the roles and responsibilities of each agency were insufficiently defined.

To the credit of all involved, HR and PRC agreed to join their proposals into a single amendment, resolving a number of interpretive differences in the process. The Charter Review Commission commends the diligent work of both agencies and recommends that Council place this amendment on the ballot.

AMENDMENT 2.

CAMPAIGN FINANCE LANGUAGE

[Amendment as formally adopted by the CRC on 06/11/2018 by a vote of 8-0]

PROPOSED LANGUAGE

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:

(13) To establish by ordinance campaign related laws governing the election of any County officers and officials including, without limitation, campaign finance regulation, donor disclosure requirements, donor age limits, enforcement or other provisions to avoid violations of the public trust.

Rationale:

In the current political climate, the citizenry has lost faith in the electoral process. The lack of specific authority for the people's representative at the county level to regulate the manner in which candidates conduct their campaigns does nothing to diminish a widely-held perception that electioneering is out-of-control.

This recommendation aims to restore at least some of that trust by acknowledging the problem and by allowing the voting public the opportunity to voice their level of concern through the exercise of their votes. If the recommendation is accepted by the Council and adopted by the people, it will provide those elected officials closest to the electorate (in county government, that would be the members of County Council) the *specific* authority to take any and all appropriate legislative actions to address campaign abuses, as they see them.

This recommendation provides County Council with a broadly generalize, but specific grant of authority to act in the area of campaign regulation. By design, the nature and timing of the specific *remedies* council might consider, should the recommendation be placed of on the ballot and, thereafter, passed by the electorate, is left entirely to County Council, in the exercise of its sound discretion.

AMENDMENT 3.

INSPECTOR GENERAL

[Amendment as formally adopted by the CRC on 06/19/2018 by a vote of 8-0]

PROPOSED LANGUAGE

ARTICLE XV—AGENCY OF INSPECTOR GENERAL

SECTION 15.01 AGENCY OF INSPECTOR GENERAL.

(1) Powers and Duties. The Inspector General shall serve as the County's chief ethics officer and shall direct the Agency of Inspector General. The County Executive and the County Council shall appropriate funding for the Agency's operations, fairly allocated through the regular budget process based on available resources. The Council may, by ordinance, further delineate the powers and duties of the Agency of Inspector General, consistent with this Article XV.

(2) Jurisdiction. To the maximum extent permitted under the Constitution of the State of Ohio and this Charter, the authority of the Agency of Inspector General to investigate possible ethical violations in the conduct of County business shall extend to any employee, official, or appointee of the County and any person or entity doing business with the County.

(3) Qualifications. The Inspector General shall have at least five years' experience as an inspector general, certified public accountant, auditor, licensed attorney, law enforcement officer, or other investigative officer involving supervisory or managerial experience.

(4) Appointment and Term. The Inspector General shall be appointed by the County Executive, subject to confirmation by Council, for a term of four years. The term of the incumbent Inspector General shall expire on December 31, 2020. Each subsequent Inspector General shall be appointed or reappointed for a term commencing on January 1, 2021, and every four years thereafter. Reappointments shall be subject to Council confirmation.

(5) Removal. During the term of appointment, the Inspector General may be removed from office only for cause by resolution receiving the affirmative vote of at least eight members of the Council. The Council shall not vote on the question of the removal of the Inspector General until the Council has provided the Inspector General the opportunity to be heard and to present his or her case for retention in office. The Council may enter executive session to discuss the question of removal as provided by general law; provided the Council holds at least one public hearing where the Inspector General and the public have an opportunity to be heard.

(6) Vacancy. In the event of a vacancy prior to the expiration of the Inspector General's term, the County Executive shall appoint a successor to complete the unexpired term.

subject to confirmation by Council. In the event a vacancy occurs less than two years prior to the expiration of the Inspector General's four-year term, the County Executive may appoint an Inspector General to complete the unexpired term and serve a subsequent four-year term, subject to confirmation by Council.

(7) Access to County Information. The Inspector General shall have the right to obtain full and unrestricted access to all records, reports, plans, projections, matters, contracts, memoranda, correspondence, and any other materials, including electronic data, of Cuyahoga County, relevant to any inquiry or investigation undertaken pursuant to this Article XV, except as may be legally limited, such as through attorney-client privilege or provisions of the Health Insurance Portability and Accountability Act (HIPAA).

(8) Subpoena Power. The Inspector General shall have authority to subpoena witnesses, administer oaths or affirmations, take testimony and compel the production of such books, papers, records and documents, including electronic data as is deemed to be relevant to any inquiry or investigation undertaken pursuant to this Article XV.

Rationale:

The Commission recommends that the Cuyahoga County Charter be amended to provide for the position of Inspector General (IG). The history of the formation of a charter form of government in Cuyahoga County bespeaks of the need to enhance public trust that its business is being handled in an ethical and above-board manner. While County Council created by ordinance a strong county Agency of IG, the County Charter currently provides that the County Executive may appoint an IG. The Commission believes that the Office of IG should be a mandatory feature of county government and that the inclusion of the IG in the Charter accomplishes that purpose.

Mandating the IG in the Charter's language will serve as insulation from the political whims of the very officeholders that IG's office might find itself investigating. A charter mandate makes it clear that the IG is the chief ethics officer of the county.

The Commission further recommends that the IG's term of office be staggered from that of the county executive and that the IG's removal may only be for good cause shown and by a super majority of County Council, following a hearing where the IG shall be afforded due process protection.

The Commission also recommends that the charter guarantee that the IG be provided with the financial resources and investigatory tools to perform his functions, to wit: a reasonable and dedicated budget, as well as, subpoena power.

AMENDMENT 4.

INTERNAL AUDIT

[Amendment as formally adopted by the CRC on 06/11/2018 by a vote of 8-0]

PROPOSED LANGUAGE

ARTICLE XI – INTERNAL AUDITING

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 ~~may~~ 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 or
 - (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.

Rationale:

Director of Internal Auditing Cory Swaisgood presented this item to the Commission on behalf of the Cuyahoga County Audit Committee. This amendment provides greater flexibility for the Department of Internal Auditing to adopt and implement its mission. In particular, the amendment achieves the following:

- (1) It provides the Department of Internal Auditing discretion to bill departments as they are audited. As an agency primarily supported by the county's general fund, the

biennial budget process serves as a more structured method to manage the Department of Internal Auditing's resources, rather than through charge-backs. Director Swaisgood has indicated his Department will still bill audited agencies that are supported by non-general fund revenue to preserve general fund resources whenever practical.

(2) It provides the Department of Internal Auditing flexibility to adopt the auditing standards of either the United States General Accounting Office *or* the Institute of Internal Auditors, American Institute of Certified Public Accountants. Current charter language puts the Department in the tenuous position of complying with two different, albeit similar, standards. These two standards are independently published by separate organizations and could realistically diverge in the future. This amendment would allow the Department to remain in charter compliance by adopting a single set of internal standards in the event conflicts or inconsistencies arise between these two independent publications.

