



AGENDA
CUYAHOGA COUNTY COUNCIL OPERATIONS & INTERGOVERNMENTAL RELATIONS
COMMITTEE MEETING
MONDAY, JUNE 17, 2013
CUYAHOGA COUNTY JUSTICE CENTER
COUNCIL CHAMBERS – 1ST FLOOR
9:00 AM

- 1. CALL TO ORDER**
- 2. ROLL CALL**
- 3. PUBLIC COMMENT RELATED TO THE AGENDA**
- 4. APPROVAL OF MINUTES FROM THE APRIL 29, 2013 MEETING**
- 5. MATTERS REFERRED TO COMMITTEE**
 - a) New Business
 - 1) M2013-0021: A Motion amending the Rules of the Cuyahoga County Council to establish the duties and authority of the Chief of Staff and declaring the necessity that this Motion become immediately effective.
 - 2) O2013-0014: An Ordinance establishing a required oath of office or affirmation for County officers, directors and other employees; setting the bonds for County officers, directors, employees and officials; and declaring the necessity that this Ordinance become immediately effective.
- 6. MISCELLANEOUS BUSINESS**
 - a) Presentation regarding collaboration initiatives-Glenn Coyne, Executive Director, Cuyahoga County Planning Commission

- b) Discussion regarding Cuyahoga County Code-Jeanne Schmotzer, Clerk of Council, and Majeed Makhoulf, Law Director

7. OTHER PUBLIC COMMENT

8. ADJOURNMENT

*In accordance with Ordinance No. O2011-0020, as amended, complimentary parking in the Huntington Park Garage will be available for the public on any day when the Council or any of its committees holds meetings. Please see the Clerk to obtain a parking pass.



MINUTES

**CUYAHOGA COUNTY COUNCIL OPERATIONS & INTERGOVERNMENTAL RELATIONS
COMMITTEE MEETING
MONDAY, APRIL 29, 2013
CUYAHOGA COUNTY JUSTICE CENTER
COUNCIL CHAMBERS – 1ST FLOOR
9:00 AM**

1. CALL TO ORDER

Chairman Greenspan called the meeting to order at 9:07 a.m.

2. ROLL CALL

Mr. Greenspan asked Assistant Deputy Clerk Carter to call the roll. Committee members Greenspan, Miller, Brady and Connally were in attendance and a quorum was determined. Committee member Gallagher entered the meeting shortly after the roll call was taken.

3. PUBLIC COMMENT RELATED TO THE AGENDA

No public comments were given.

4. APPROVAL OF MINUTES FROM THE APRIL 22, 2013 MEETING

A motion was made by Mr. Miller, seconded by Ms. Connally and approved by unanimous vote to approve the minutes of the April 22, 2013 meeting.

5. MATTERS REFERRED TO COMMITTEE

- a) None

No matters were referred to Committee.

6. PRESENTATION

a) Semiannual Report-Nailah Byrd, Inspector General

Ms. Nailah Byrd, Inspector General, and Mr. Matthew Hawes, Deputy Inspector General, addressed the Committee regarding the July 1, 2012-December 31, 2012 Semiannual Report. Discussion ensued.

Committee members asked questions of Ms. Byrd and Mr. Hawes pertaining to the item, which they answered accordingly.

Mr. Ed Morales, Assistant Law Director, addressed the Committee regarding legal questions relating to the operation of various County offices. Discussion ensued.

Committee members asked questions of Mr. Morales pertaining to the item, which he answered accordingly.

7. MISCELLANEOUS BUSINESS

Mr. Greenspan announced that he is currently working with Ed Jerse and will notify the Committee regarding upcoming meetings.

8. OTHER PUBLIC COMMENT

No public comments were given.

9. ADJOURNMENT

With no further business to discuss and on motion by Ms. Connally with a second by Mr. Gallagher, the meeting was adjourned at 9:57 a.m., without objection.

COUNTY COUNCIL OF CUYAHOGA COUNTY, OHIO

MOTION NO. M2013-0021

Sponsored by: Councilmembers Connally, Greenspan, Brady and Gallagher

A Motion amending the Rules of the Cuyahoga County Council to establish the duties and authority of the Chief of Staff, and declaring the necessity that this Motion become immediately effective.

WHEREAS, the Cuyahoga County Charter in Article 3, Section 9, Subsection 1 authorizes the County Council “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; and

WHEREAS, the Cuyahoga County Charter provides in Article 3, Section 10, Subsection 2 that the Cuyahoga County Council shall adopt its own rules; and

WHEREAS, Council has determined that it is necessary for the efficient performance of its duties that its staff be managed by a Chief of Staff, with designated duties and authority; and

WHEREAS, Council desires to retain initial hiring and setting of compensation authority for its staff, but desires to delegate some of its personnel authority to the Chief of Staff; and

WHEREAS, Council approved permanent rules on April 26, 2011 in Motion No. M2011-0007, as has subsequently amended the rules by Motion; and

WHEREAS, Council deems it necessary to amend the permanent Rules of Council in order to provide for the efficient management of Council staff and the timely operations of the Council;

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

SECTION 1. The Rules of Cuyahoga County Council, are hereby amended in part to read as follows (additions are bolded and underlined; deletions are stricken out):

Rule 3A: ~~Clerk of Council~~ **Chief of Staff**

The Council shall appoint and set the compensation for a Chief of Staff, who shall have the following duties:

- (1) Advise and assist Council on a broad range of initiatives, including organizational strategy, priorities, and efficiency and effectiveness of Council as well as all operations, providing leadership and strategy for staff and Council.**
- (2) Manage all Council operations, including policy, budget, constituent and other council services, communications and Clerk of Council**
- (3) Serve as primary liaison between administration and Council as well as external entities and coordinate all internal and external communication, at times acting as spokesperson for Council**
- (4) Supervise all Council staff, including the Clerk of Council, with authority to set duties and compensation after initial hire, and to evaluate and discipline staff, up to and including termination. The Chief of Staff shall notify Council of any changes in compensation and any decision to terminate a staff member. Council may override any decision by the Chief of Staff to change the compensation or terminate a staff member by Motion introduced within the next two Council meetings following the notification from the Chief of Staff.**
- (5) Any other duties as assigned by the Council President**

The President of Council is authorized to evaluate and may discipline the Chief of Staff, up to but not including termination. Council may terminate the services of the Chief of Staff upon Motion.

Rule 3B: ~~Other Council Personnel~~ **Clerk of Council**

The Council shall appoint and set the **initial** salary and compensation for a Clerk of Council, who shall have the following duties:

- (1) Attend meetings of Council, determine quorums, record the proceedings and the votes of each Member, and keep the minutes of the proceedings;
- (2) Provide notices as required by the Charter, general law, and these Council Rules;
- (3) Accept, record, and compile proposed legislation for inclusion in the agenda of Council;
- (4) Deliver all adopted legislation to the Executive;
- (5) Deliver proposed legislation to the Committee Chairs;
- (6) Accept and provide to the President requests to address Council;
- (7) Publish all legislation as required by these Council Rules;
- (8) Publish the Record of Council;

(9) Conduct the election of the President of Council;

(10) Attend Council Committee meetings in person or by designee, determine quorums, record the proceedings and the votes of each member, keep the minutes of the proceedings, and accept and provide the Chairperson requests to address the Committee;

(11) Any other duties that the Council **or the Chief of Staff** determines are necessary for the performance of ~~its~~ **Council's** duties.

Rule 3C: Other Council Personnel

(1) The Council shall, by appropriate legislation, determine the **initial** job titles, ~~classifications~~, compensation and duties of full or part-time staff as are needed to properly perform the duties of Council as set forth in the Charter; and in so doing, Council shall reference the classification and salary administration system as established by ordinance and administered by the Human Resources Commission. **All Council personnel, including the Chief of Staff and Clerk of Council, shall be eligible to participate in cost of living increases and merit pay programs approved for nonbargaining employees of the County.**

(2) The Council **Chief of Staff** shall, ~~by appropriate legislation,~~ **be authorized to make recommendations to the appropriate contracting authority concerning** ~~determine~~ the compensation and duties of other personnel, such as contractors or professional experts or other consultants on a retainer or contract basis, as are needed to properly perform the duties of Council as set forth in the Charter.

SECTION 2. Effective Date. Provided that this Motion receives the affirmative vote of at least eight (8) of the members of Council, it shall take effect immediately upon adoption by Council. It is hereby determined to be necessary that this Motion become immediately effective in order that the County Council continue to have operating rules in place without interruption, and so that the usual and daily operations of county government may continue to function.

SECTION 3. It is found and determined that all formal actions of the Council and Council committees relating to the adoption of this motion occurred in open meetings and that all deliberations of this Council and any of its committees that resulted in such formal action took place in meetings open to the public, in compliance with all legal requirements, including those of Section 121.22 of the Ohio Revised Code.

On a motion by _____, seconded by _____, the foregoing Motion was duly approved.

Yeas:

Nays:

County Council President

Date

Clerk of Council

Date

First Reading/Referred to Committee: May 28, 2013

Committee(s) Assigned: Council Operations & Intergovernmental Relations

Journal CC _____
_____, 2013

County Council of Cuyahoga County, Ohio

Ordinance No. O2013-0014

Sponsored by: County Executive FitzGerald/Department of Law	An Ordinance establishing a required oath of office or affirmation for County officers, directors and other employees; setting the bonds for County officers, directors, employees and officials; and declaring the necessity that this Ordinance become immediately effective.
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WHEREAS, Section 3.09(6) of the Cuyahoga County Charter empowers the County Council to “determine which officers and employees shall give bond and to fix the amount and form thereof”;

WHEREAS, Council has determined it necessary to determine which officers and employees of the County shall give bond and to fix the amount and form thereof;

WHEREAS, Council has determined that it is also necessary to determine which officers, employees, and other persons should be required to give an oath of office or affirmation upon entering their positions with the County; and

WHEREAS, it is necessary that this Ordinance become immediately effective in order that critical services provided by Cuyahoga County can commence and continue on behalf of the various municipalities within the County’s jurisdiction.

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

SECTION 1. Chapter 107 of the Cuyahoga County Code, which was enacted in Ordinance O2011-0001, is hereby amended and replaced to read as follows:

CHAPTER 107: Oaths of Office, Affirmations and Bonds

Section 107.01: Required Oath or Affirmation

A. Persons Required to Take an Oath or Affirmation

Each of the following County Officers, Directors, and Members of Boards, Commissions, or other Authorities of the County shall, before assuming their respective positions take and subscribe to an oath or affirmation, to be filed and kept in the office of the Clerk of the Council:

1. The Executive;

2. Council Members and Clerk of Council;
3. All County Officers under the County Charter;
4. All Directors and Deputy Directors of Departments established by the County Charter or pursuant to the Cuyahoga County Code;
5. Members of the Human Resource Commission; Council Districting Commission; and Charter Review Commission;
6. The Internal Auditor;
7. The Inspector General;
8. All Employees of the Department of Law, Department of Internal Auditing, and Agency of Inspector General;
9. Employees authorized by the County Sheriff to carry firearms or other weapons;
10. Employees in any County department, office, board, commission, or any other authority of the County whose duties involve the handling of money belonging to the County, as determined by the Internal Auditor; and
11. Any person serving in an interim or acting capacity in any of the positions listed in Section 107.01(A) of the Cuyahoga County Code.

B. Form of the Oath or Affirmation

1. The oath or affirmation taken by each person required to take an oath or affirmation under Chapter 107 of the Cuyahoga County Code shall be in substantially the following form:

“I, _____, do solemnly swear [or affirm], that I will support, uphold, and defend the Constitution of the United States, the Constitution of the State of Ohio, and the Charter and laws of the County of Cuyahoga, Ohio; that I will faithfully, honestly, diligently, and impartially perform and discharge all of the powers and duties incumbent upon me as _____ in and for the County of Cuyahoga, State of Ohio, according to the best of my ability and understanding.”

Sworn to and subscribed before me this ____ day of _____, _____ in the City of _____, County of Cuyahoga, Ohio.”

2. Each person taking an oath may add customarily accepted language at the end of the oath, such as “so help me God.”

C. Persons Entitled to Administer the Oath or Affirmation

The oath or affirmation prescribed in Chapter 107 of the Cuyahoga County Code may be administered by the County Executive, a Council Member or the Clerk of Council, a County Officer under the County Charter, the Director of any Department, or by any notary public authorized to administer oaths in the State of Ohio.

D. Prospective Application

Any person required to take an oath or affirmation under Chapter 107 of the Cuyahoga County Code who has not taken an oath or affirmation upon assuming their respective positions shall take the oath or affirmation required under this Chapter and have it submitted to the Clerk of Council no later than December 31, 2013.

Section 107.02: Required Bonds

- A.** Before assuming their respective positions, each of the following County Officers shall give a bond guaranteeing the faithful performance of his or her duties of office, in a form approved by the Director of Law, each in the amount as set forth below, which bonds shall be filed with the County Treasurer:

1. The Executive: \$25,000.00;
2. Council Members: \$25,000.00;
3. Prosecutor:
 - a. Official Bond: \$100,000.00; and
 - b. Furtherance of Justice Bond: Not less than official salary;
4. Director of Law: \$10,000.00;
5. Sheriff:
 - a. Official Bond: \$50,000.00 ; and
 - b. Furtherance of Justice Bond: Not less than official salary;
6. Fiscal Officer: \$20,000.00;
7. Treasurer: \$2,000,000.00;
8. Medical Examiner: \$50,000.00;
9. Clerk of Courts: \$40,000.00; and
10. Director of Public Works: \$10,000.00.

- B.** Before assuming their respective positions, each of the following County Directors shall be required to give a bond guaranteeing the faithful performance of his or her duties of office, in a form approved by the Director of Law, each in the amount as set forth below, which bonds shall be filed with the County Treasurer:

1. Director of Health and Human Services: \$10,000.00;
2. Director of Internal Auditing: \$20,000.00; and
3. All directors of county departments established pursuant to the Cuyahoga County Code: \$2,000.00.

C. Before assuming their respective positions, each of the following County employees and officials shall be required to give a bond guaranteeing the faithful performance of his or her duties of office, in a form approved by the Director of Law, each in the amount as set forth below, which bonds shall be filed with the County Treasurer:

1. Dog Wardens and their Deputies: \$2,000.00;
2. Engineer: \$10,000.00;
3. Probate Judge: \$5,000.00;
4. County Juvenile Rehabilitation Facility Superintendent: \$10,000.00;
5. Executive Director of County Children Services
 - a. Official Bond: \$5,000.00; and
 - b. Bond to Probate Court: \$5,000.00;
6. County Bridge Commissioner: \$5,000.00;
7. Any other employees as determined by the Director of Law and in the amounts established by the Department of Law.

D. **Cost.** The expense of all bonds required under Chapter 107 of the Cuyahoga County Code shall be paid from the general fund of Cuyahoga County.

Section 107.03: Requirements for Oaths of Office, Affirmations and Bonds

Chapter 107 of the Cuyahoga County Code shall govern all requirements for oaths of office, affirmations, and the giving of bonds by all Cuyahoga County officials, officers, directors, employees, and members of boards, commissions, committees, or other authorities of the County, and shall supersede any other practices in the County before its enactment or any other requirements under general law.

SECTION 2. It is necessary that this Ordinance become immediately effective for the usual daily operation of the County and the reasons set forth in the preamble. Provided that this Ordinance receives the affirmative vote of at least eight members of Council, it shall take effect and be in force immediately upon the earliest occurrence of any of the following: (1) its approval by the County Executive through signature, (2) the expiration of the time during which it may be disapproved by the County Executive under Section 3.10(6) of the Cuyahoga County Charter, or (3) its passage by at least eight members of Council after disapproval pursuant to Section 3.10(7) of the Cuyahoga County Charter. Otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

SECTION 3. It is found and determined that all formal actions of this Council relating to the adoption of this Ordinance were adopted in an open meeting of the Council, and that all deliberations of this Council and of any of its committees that

