

Cuyahoga County Code

Title 1: General Provisions

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Chapter 101: Publication of Code

The Clerk of Council is hereby authorized to officially publish the Cuyahoga County Code as approved by the County's Director of Law. The Clerk of Council shall continually update the Code in an expeditious manner and as approved by the County's Director of Law.

([Ordinance No. O2013-0001](#), Enacted 2/26/2013, Effective 2/27/2013)

Chapter 102: Definitions

Section 102.01 Code-Wide Definitions

In the construction of this Code of the County of Cuyahoga, the following definitions shall be observed unless an alternative definition is otherwise provided in the Code:

A. “**Administrative Code**” shall mean the Cuyahoga County Administrative Code published pursuant to Chapter 113 of the County Code.

B. “**Agreement**” shall mean the writing or instrument, which evidences the understanding and intention between two or more parties with respect to their rights, duties, obligations, or performances. It shall be given its broadest definition as the term is customarily used, and it shall include, without limitation, contracts, sales and purchase agreements, lease agreements, agreements with other governmental entities or political subdivisions, or any other agreements. For purposes of this Code, “Agreement” shall be synonymous with the term “Contract,” but it shall not apply to settlement agreements, which are specifically addressed in Cuyahoga County Code Chapter 109.

C. “**Charter**” shall mean the County of Cuyahoga Charter also known as the Charter of Cuyahoga County, effective on January 1, 2010, and shall include any amendments to such Charter.

D. “**Code**” shall mean the Cuyahoga County Code, unless the context otherwise requires.

E. “**Contract**” shall be given the same meaning and definition as “Agreement”.

F. “**County**” shall mean the County of Cuyahoga, Ohio created by the Cuyahoga County Charter. As used in the Code, the term “County” shall include all County contracting authorities.

G. “**County Council**” or “**Council**” shall mean the County Council of the County of Cuyahoga, Ohio.

H. “**C.C.C.**” or “**CCC**” shall mean the Cuyahoga County Code.

I. “**County Executive**” shall mean the County Executive of the County of Cuyahoga, Ohio.

J. “**Day**” shall mean a calendar day, unless otherwise expressly stated.

K. “**Executive-elect**” shall mean such person as is the apparent successful candidate for the office of County Executive as ascertained by the Director of Law following the general elections held for the office of County Executive.

L. “**Electronic Signature**” shall mean an electronic sound, symbol, or process attached to or

logically associated with a resolution, ordinance, contract, agreement, legal instrument, or other record and executed or adopted by a person with the intent to sign the record.

M. “**Month**” shall mean a calendar month, unless otherwise expressly stated.

N. “**Oath**” includes affirmation and “swear” includes affirm.

O. “**Ohio R.C.**”, “**ORC**”, “**Revised Code**”, “**R.C.**”, or “**RC**” refer to the Ohio Revised Code.

P. “**Person**” includes an individual, corporation, business trust, estate, trust, partnership, and association.

Q. “**Premises**”, as applied to property, shall include land and buildings.

R. “**Property**” shall mean real and personal property.

S. “**The State**” or “**this State**” shall mean the State of Ohio.

T. “**Year**” shall mean a calendar year unless otherwise expressly stated.

(Ordinance Nos. [O2014-0032](#), Enacted 1/27/2015, Effective 1/29/2015; [O2014-0022](#), Enacted 9/23/2014, Effective 9/29/2014); [O2014-0015](#), Enacted 6/10/2014, Effective 6/16/2014; [O2013-0001](#), Enacted 2/26/2013, Effective 2/27/2013)

Chapter 103: Home Rule Powers

Section 103.01 Intent to Exercise Home Rule to the Fullest Extent

It is the intent of the Cuyahoga County Council in enacting this Code to exercise the County's Home Rule powers to the fullest extent possible.

([Ordinance No. O2013-0001](#), Enacted 2/26/2013, Effective 2/27/2013)

Section 103.02 Precedence of Code

If any conflict arises between any provision, term, procedure, or other requirement of the Ohio Revised Code, Ohio Administrative Code, or any other law or regulation, and this Code, the provision, term, procedure, or other requirement of this Code shall prevail.

([Ordinance No. O2013-0001](#), Enacted 2/26/2013, Effective 2/27/2013)

Chapter 104: Severability, Interpretation and Construction

Section 104.01 Severability

If any provision or a section in the County Code or the application thereof to any person or circumstance is held invalid, the invalidity does not affect the other provisions or applications of the section or related sections which can be given effect without the invalid provision or application, and to this end the provisions are severable.

([Ordinance No. O2013-0001](#), Enacted 2/26/2013, Effective 2/27/2013)

Section 104.02 Interpretation and Construction

Unless the County Code expressly states otherwise with regard to a specific provision, all provisions in this Code shall be interpreted in a manner that preserves the County's intent to exercise its home rule powers to the fullest extent.

([Ordinance No. O2013-0001](#), Enacted 2/26/2013, Effective 2/27/2013)

Chapter 105: Open Meetings

Section 105.01 Definition of a Public Body

As used in this Chapter, “public body” shall include only those entities of Cuyahoga County government listed in Article 12, Section 5 of the Cuyahoga County Charter.

(Ordinance Nos. [O2011-0013](#), Enacted 9/13/2011, Effective 9/14/2011; [O2011-0003](#), Enacted 1/3/2011, Effective 1/10/2011)

Section 105.02 State Law to Control Public Meetings Policy in Cuyahoga County Government

As provided in Article 12, Section 5 of the Cuyahoga County Charter, all meetings of the Council and any committee, board, commission, agency, or authority of the County, as well as any similar body created by the Charter or by the County Council, shall be open to the public as provided by general law.

(Ordinance Nos. [O2011-0013](#), Enacted 9/13/2011, Effective 9/14/2011; [O2011-0003](#), Enacted 1/3/2011, Effective 1/10/2011)

Section 105.03 Public Participation

A. Public Comment. In addition to the requirements provided for in Section 105.02 of the County Code, any meeting of a public body, as defined in Section 105.01 of the County Code, that must be open to the public under the Open Meetings Act or other general law pursuant to Section 105.02 of the County Code shall also include time at the beginning of the meeting for public comment related to the agenda for that day's meeting. Every such meeting shall also include time for public comment related to that meeting's purposes but not related to that day's agenda. Such comments may be heard either at the same time as comment related to that day's agenda or at a later time during the meeting.

B. Procedure for Public Comment. Any public body conducting a public meeting covered under Section 105.01 of the County Code may establish rules to regulate its public comment process, including completion of a brief registration form and a reasonable time limit on presentations, provided that such rules provide fair and equal treatment for all presenters and are no more restrictive than what is required to promote the orderly conduct of official business.

C. Decorum at Public Meetings. Any public body may adopt rules to insure decorum at its

meetings, provided that such rules also protect the free and appropriate expression of ideas.

D. Wireless Communication Devices. Any public body may prohibit the use of audible wireless communications devices at its meetings.

E. Filming, Taping and Recording of Meetings. Any person may film, tape or record any public meeting in ways that do not significantly disrupt the conduct of official business. Any public body may request persons wishing to film, tape, or record any of their meetings to register with their clerk or secretary but shall also clearly state that such registration is not required.

F. Requirements. The requirements in this chapter do not apply to any gatherings of public officials that do not constitute a meeting under the Ohio Open Meetings Act, such as quasi-judicial hearings, staff meetings, collective bargaining negotiations, or conducting employee interviews.

(Ordinance Nos. [O2011-0013](#), Enacted 9/13/2011, Effective 9/14/2011; [O2011-0003](#), Enacted 1/3/2011, Effective 1/10/2011)

Section 105.04 Preparation of Pamphlet Describing Public Meeting Process

The Clerk of County Council shall post on the County Council's website a copy, or a link if possible, of the Ohio Open Meetings Act section of the most up-to-date version of the Ohio Attorney General and Ohio Auditor's Sunshine Law Manual. The Clerk of County Council shall also provide a printed copy of the combined summary and the Open Meetings Act section of the Sunshine Law Manual at no charge to any person upon request.

(Ordinance Nos. [O2011-0013](#), Enacted 9/13/2011, Effective 9/14/2011; [O2011-0003](#), Enacted 1/3/2011, Effective 1/10/2011)

Chapter 106: Public Records

Section 106.01 Rationale

Believing that open government leads to a better-informed citizenry, greater public participation in government, better government, better public policy, and more effective use of public resources, the County Council establishes this Public Records Policy enacted in Chapter 106 of the Cuyahoga County Code to ensure the preservation and public accessibility of records relating to all functions of Cuyahoga County government. Cuyahoga County's policy in all of its functions is to strictly adhere to all of its obligations under Ohio's Public Records Law and to exceed those obligations whenever it is practical and makes sense to do so.

(Ordinance Nos. [O2013-0002](#), Enacted 5/28/2013, Effective 5/31/2013; [O2011-0012](#), Enacted 3/22/2011, Effective 3/25/2011; [O2011-0003](#), Enacted 1/3/2011, Effective 1/10/2011)

Section 106.02 Definitions

As used in Chapter 106 of the Cuyahoga County Code:

A. "Committee" shall include subcommittees.

B. "Public office" includes the following:

1. The office of the County Executive
2. The Cuyahoga County Council, including all of its committees
3. All departments, divisions, offices, or other organized bodies operating under the administration of the County Executive,
4. The Cuyahoga County Prosecuting Attorney,
5. All Boards, Commissions, and Advisory Councils to which the County Executive and/or the County Council appoints at least a majority of its members,
6. All Boards, Commissions, Advisory Councils and any similar body created by the Cuyahoga County Charter, the County Council, and/or the County Executive.

C. As used in Section 106.02(B) of the Cuyahoga County Code, a "similar body" must be formally organized, be on-going, and be involved in making or advising on public policy decisions.

D. "Public record" includes any document, device, or item, regardless of physical form or characteristic, including electronic records, created or received by or coming under the jurisdiction of any public office, which serves to document the organization, functions, policies, decisions, procedures, operation, or other activities of the office. All records which meet this definition are public records, unless exempted under section 149.43 of the Ohio Revised Code.

E. "Electronic record" includes prepared documents such as word processing documents, spreadsheets, and graphic presentations as well as written electronic communications, including but not limited to electronic mail and text messages.

(Ordinance Nos. [O2013-0002](#), Enacted 5/28/2013, Effective 5/31/2013; [O2011-0012](#), Enacted 3/22/2011, Effective 3/25/2011; [O2011-0003](#), Enacted 1/3/2011, Effective 1/10/2011)

Section 106.03 Scope of Chapter 106

Chapter 106 of the Cuyahoga County Code is adopted as the public records policy, required under Section 149.43 of the Ohio Revised Code, for every public office in Cuyahoga County government, as public office is defined in Section 106.02(B) of the Cuyahoga County Code, over which the Cuyahoga County Council has legislative authority.

(Ordinance Nos. [O2013-0002](#), Enacted 5/28/2013, Effective 5/31/2013; [O2011-0012](#), Enacted 3/22/2011, Effective 3/25/2011; [O2011-0003](#), Enacted 1/3/2011, Effective 1/10/2011)

Section 106.04 Public Records

A. Maintenance of Public Records

All public offices within the scope of Chapter 106 of the Cuyahoga County Code shall organize and maintain all their public records so that they are readily available for inspection and copying in accordance with the Ohio Public Records Law and the Public Records Policy of Cuyahoga County.

B. Maintenance of Electronic Mail

1. All electronic mail sent or received through the Cuyahoga County Department of Information Technology system shall be the property of Cuyahoga County. The necessity to maintain electronic mail as public records shall depend on the content of the records, not on the medium in which it is kept. It shall be the responsibility of the public records managers and each individual user to ensure that electronic mail is maintained in accordance with the records retention schedule for each office, and that records which must be kept for an extended length of time will not be placed in files where they will be automatically deleted.
2. Each person covered by Chapter 106 of the Cuyahoga County Code shall also ensure that all public record electronic mail sent or received outside of the County Department of Information Technology system are maintained so that they are readily available for inspection and copying in accordance with the records retention schedule for each office.

C. Designation of Countywide Public Records Manager

The County Archivist is hereby designated as the Countywide Public Records Manager and shall do the following:

1. Manage the public records of Cuyahoga County to ensure that they are organized so as to be readily available to the public for inspection and copying and are maintained and disposed of in accordance with the records retention schedules of the various offices within Cuyahoga County government.
2. Assist the public records managers of the various public offices in Cuyahoga County in implementing a sound and consistent countywide public records process in accordance with Chapter 106 of the Cuyahoga County Code.
3. Assist the public offices within the scope of Chapter 106 of the Cuyahoga County Code in preparing and updating public records retention schedules.
4. The County Archivist shall monitor departmental compliance with provisions of Chapter 106 of the Cuyahoga County Code with respect to records retention schedules and disposition of records, and shall provide a status report to the County Executive at the end of each calendar year.

D. Designation of Deputy Countywide Public Records Manager

The County Executive shall designate one member of the executive staff as Deputy Countywide Public Records Manager, who shall do the following:

1. Assist the Countywide Public Records Manager in the performance of his/her duties;
2. Maintain and administer the public records request log provided for in Section 106.06(E) of the Cuyahoga County Code.
3. Work with each public office to determine what kinds of public records requests are received by that office that relate to personal or business matters, rather than governmental operations, and are not required to be included in the public records request log.
4. Provide a copy of Cuyahoga County's Public Records policy to each public records manager and obtain a written acknowledgement from each records manager that the policy was received. A record manager's receipt and acknowledgement of a County Human Resources Policies and Procedures Manual that contains the County's Public Records policy shall satisfy the requirements of this subsection.
5. Serve as the public records manager for the County Executive's office.

E. Designation of Public Records Manager

1. Each public office shall designate a public records manager who shall be responsible for the maintenance of the public records for that office and for handling public records requests directed to that office.
2. For the following offices, the person designated as public records manager shall be an employee of the office who works at the principal place at which that office does business:
 - a. the County Executive, including all executive office staff
 - b. the County Council
 - c. the Department of Law
 - d. the Sheriff
 - e. the Medical Examiner
 - f. the Clerk of Courts

- g. the Department of Development
- h. the Department of Information Technology
- i. the Department of Public Works
- j. the Department of Purchasing
- k. the Department of Human Resources
- l. the Fiscal Officer
- m. the Cuyahoga Job and Family Services
- n. the Division of Children and Family Services
- o. the Division of Senior and Adult Services
- p. the Department of Health and Human Services
- q. the Agency of the Inspector General
- r. the Department of Communications
- s. the Department of Public Safety and Justice Services
- t. the Department of Consumer Affairs
- u. the Department of Internal Auditing
- v. the County Treasurer
- w. the County Prosecutor

3. Each office not listed in subsection 2 of this section shall designate a public records manager who shall be one of the following:
 - a. an employee of that office or an officer of a Board, Commission, or Advisory Council,
 - b. the Deputy Countywide Public Records Manager, or
 - c. an employee of Cuyahoga County, approved by the Deputy Countywide Public Records Manager, in another office with responsibilities related to those of the designating office.

F. Public Records Manager for County Council

The Clerk of Council is hereby designated as public records manager for Cuyahoga County Council.

G. Records Retention Schedules

Each public office shall have a records retention schedule in place, which shall specify, consistent with state law, the methods by which and the length of time that records shall be kept. Such schedule shall be kept on file by each public office as a public record. For any office that has a records retention schedule in place at the time that Chapter 106 of the Cuyahoga County Code becomes effective, that records retention schedule shall remain in effect until it is amended according to the procedure set forth in Section 149.38 of the Ohio Revised Code. Each public office that does not have a records retention schedule in place at the time that Chapter 106 of the Cuyahoga County Code becomes effective shall contact the Cuyahoga County Archives to create a records retention schedule, in accordance with the procedure set forth in Section 149.38 of the Ohio Revised Code, not later than September 30, 2013.

H. Interim Transient Records Retention Schedule

Except to the extent that a different records retention schedule on transient communications is required for an office by state law, each public office that does not have a records retention schedule on transient communications in place at the time that Chapter 106 of the Cuyahoga County Code becomes effective shall use the transient

records retention policy and schedule submitted by the County Executive and approved by the Cuyahoga County Records Commission, created in Section 204.02(A) of the Cuyahoga County Code, on August 15, 2012, until such time as the office's records retention schedule on transient communications is updated, according to the procedure set forth in Section 149.38 of the Ohio Revised Code.

I. Publication of Public Records Policy

1. Each public office having public office space shall prepare a poster which shall describe the public records policy of that office, explain how to obtain public records, and name the public records manager for that office. The poster shall be displayed in a conspicuous place at the office and at any branch office where the office conducts business. Each office shall post the same information and its public records retention schedule on its web-page on the county's website.
2. The County Executive and the Clerk of Council shall each post on their respective web-pages the full Public Records Policy of Cuyahoga County, a summary of that policy, instructions on how to obtain public records, and a list of all of the public records managers for Cuyahoga County government and their contact information.
3. The Human Resources Policies and Procedures Manual issued to all employees shall include the County's Public Records policy. When any changes to the County Public Records Policy are made, the Director of Human Resources is hereby authorized to update the Human Resources Policies and Procedures Manual, and the Clerk of Council is authorized to update the Cuyahoga County Code with the approval of the Director of Law, to reflect those changes.

J. County Website

The County shall maintain a readily accessible website, which shall include separate pages for the County Executive, the County Council, and each department in County government. The County Executive and the Clerk of County Council shall ensure that the website is regularly updated to provide current information, including the notice, agenda, minutes, and reports of all public meetings conducted by offices within the scope of Chapter 106 of the Cuyahoga County Code and instructions on how to obtain public records.

(Ordinance Nos. [O2013-0002](#), Enacted 5/28/2013, Effective 5/31/2013; [O2011-0012](#), Enacted 3/22/2011, Effective 3/25/2011; [O2011-0003](#), Enacted 1/3/2011, Effective 1/10/2011)

Section 106.05 Public Records Requests

A. Form of Records Request

Any person requesting public records shall identify the records requested with sufficient clarity to allow the public office to identify, retrieve, and review the records requested. No specific language or form is required to make the request. If the records request is not sufficiently clear, the public records manager must contact the requestor for clarification, and should assist the requestor by providing information about the manner in which the office keeps its records.

B. Identity of Requestor Not Required

The requestor is not required to put a public records request in writing and does not need to provide his/her identity or the intended use of the records requested. The public office may request this information, particularly to aid in complying with the request, but must clearly state that providing this information is voluntary.

C. Availability of Records

Records shall be made available promptly for inspection or copying. Public records requests shall be given priority attention in any office receiving them, but reasonable time shall be allowed to comply with requests that are large, involve records stored other than at the site where the request was made, or involving records that must be inspected for possible redaction of information exempt from the public records law. Whenever a request is received that cannot be complied with expeditiously, the public office shall provide the requestor a receipt acknowledging and describing the public records request and may provide an estimate as to when the production can be provided. An oral response shall satisfy the requirement of a receipt when the requestor does not provide an email or postal address.

D. Denial of Request and Redaction of Records

If a public records request is denied, in part or in whole, the public office shall provide the requestor with an explanation for the denial as provided for in Section 149.43(B)(3) of the Ohio Revised Code.

E. Public Records Request Log

1. Each office shall maintain a log of all public records requests received that relate to governmental operations and shall forward a copy of the log no later than at the end of each week to the Deputy Countywide Records Manager, who shall maintain a countywide public records log. Each office shall, with the approval of the Deputy Countywide Public Records Manager, determine what kinds of public records requests received by that office relate to personal or business matters, rather than governmental operations; and these requests shall not be required to be included in the log. For each public records request required to be included in the public records request log, the following information shall be provided:
 - a. The office that received the request
 - b. The date that the request was received,
 - c. The name of the requestor, if known,
 - d. A brief description of what records were requested,
 - e. The date that response to the request was completed,
 - f. A brief description of any denials or redactions required.
2. Except as otherwise provided by court order or law, the Deputy Countywide Public Records Manager may establish procedures for logging public records requests.

(Ordinance Nos. [O2013-0002](#), Enacted 5/28/2013, Effective 5/31/2013; [O2011-0012](#), Enacted 3/22/2011, Effective 3/25/2011; [O2011-0003](#), Enacted 1/3/2011, Effective

1/10/2011)

Section 106.06 Costs of Public Records

A. County Council to Determine Copy Costs for Public Records

Unless otherwise provided in this Section, persons requesting copies of public records shall be required to pay for the cost of copies and/or delivery or transmission of public records. No charge for public records shall exceed the actual cost of making copies, packaging, postage, and any other costs of the method of delivery or transmission chosen by the requestor, except as otherwise provided by court order or law.

B. Costs for Public Records

Except as otherwise provided by court order or law, the copying costs for public records shall not exceed the following rates:

1. The charge for paper copies shall not exceed \$0.03 per page. The charge for paper copies shall be waived when the total cost of copying is less than \$1.00.
2. The charge for electronic copies provided on a compact disc, USB flash drive, or other data storage device shall not exceed \$1.00 per gigabyte of storage space available on the device.
3. There shall be no charge for electronic copies provided via email, facsimile, or other electronic transmission; provided, however, that a public office may charge up to \$0.03 per page when it is necessary to copy or print records for the purpose of redaction.

A public office may require payment in advance, or may waive copying and delivery costs when it determines it is cost-effective to do so, provided that the public office follows a consistent policy for all requests.

(Ordinance Nos. [O2014-0016](#), Enacted 9/23/2014, Effective 10/29/2014; [O2013-0002](#), Enacted 5/28/2013, Effective 5/31/2013; [O2011-0012](#), Enacted 3/22/2011, Effective 3/25/2011; [O2011-0003](#), Enacted 1/3/2011, Effective 1/10/2011)

Section 106.07 Public Records Training

All elected public officials and public records managers shall attend training on public records policy approved by the Ohio Attorney General, as provided for in Section 109.43 of the Ohio Revised Code. Each public office shall encourage other appropriate persons to receive public records training.

(Ordinance Nos. [O2013-0002](#), Enacted 5/28/2013, Effective 5/31/2013; [O2011-0012](#), Enacted 3/22/2011, Effective 3/25/2011; [O2011-0003](#), Enacted 1/3/2011, Effective 1/10/2011)

Chapter 107: Oaths of Office, Affirmations and Bonds

Section 107.01: Required Oath or Affirmation

A. Persons Required to Take an Oath or Affirmation

1. 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 Council:
 - a. The Executive;
 - b. Council Members and Clerk of Council;
 - c. All County Officers under the County Charter;
 - d. All Directors of Departments established by the County Charter or pursuant to the Cuyahoga County Code;
 - e. Members of the Personnel Review Commission; Council Districting Commission; and Charter Review Commission;
 - f. The Internal Auditor;
 - g. The Inspector General; and
 - h. Any person serving in an interim or acting capacity in any of the positions listed in this subsection of the Cuyahoga County Code.
2. County Employees: All county employees under the jurisdiction of the County Executive and/or Council commencing their employment on or after April 1, 2014 shall sign a written oath or affirmation as part of their new employee paperwork signup, and shall within 60 days of assuming their employment, take the oath or affirmation before a duly authorized person. The written oath or affirmation shall be filed and kept in each employee's personnel file.
3. The Clerk of Council shall transfer to the Department of Human Resources all written oaths or affirmations taken before the effective date of this provision, other than those oaths and affirmations required to be kept by the Clerk of Council pursuant to Section 107.01(A)(1).

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, a Deputy Director of any Department, the Inspector General, a designee of the Director of Law, a designee of the Director of Human Resources, or by any notary public authorized to administer oaths in the State of Ohio.

(Clerk's Note: Article IX of The Cuyahoga County Charter was amended by the electors on November 5, 2013 to change the name of the Human Resource Commission to the Personnel Review Commission)

(Ordinance Nos. [O2014-0005](#), Enacted 4/8/2014, Effective 4/14/2014; [O2013-0014](#), Enacted 7/9/2013, Effective 7/10/2013; [O2011-0001](#), Enacted 1/3/2011, Effective 1/10/2011)

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. County Engineer: \$10,000.00;
3. Probate Judge: \$5,000.00;
4. County Juvenile Rehabilitation Facility Superintendent: \$10,000.00;
5. Administrator of the Division of Children and Family Services
 - a. Official Bond: \$5,000.00; and
 - b. Bond to Probate Court: \$5,000.00;
6. 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.

(Ordinance Nos. [O2013-0014](#), Enacted 7/9/2013, Effective 7/10/2013; [O2011-0001](#), Enacted 1/3/2011, Effective 1/10/2011)

Section 107.03: Procedures for Implementation

The Department of Law, through its Division of Risk Management, shall establish procedures and coordinate with the Department of Human Resources and the Clerk of Council to ensure that the requirements of Chapter 107 are satisfied.

(Ordinance Nos. [O2013-0014](#), Enacted 7/9/2013, Effective 7/10/2013; [O2011-0001](#), Enacted 1/3/2011, Effective 1/10/2011)

Section 107.04: 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.

(Ordinance Nos. [O2013-0014](#), Enacted 7/9/2013, Effective 7/10/2013; [O2011-0001](#), Enacted 1/3/2011, Effective 1/10/2011)

Chapter 108: Parking for Public Meetings

Section 108.01 Parking for Public Meetings of Council

A. The County shall provide complimentary parking for the public to attend public meetings of the County Council and its committees at the Huntington Park Garage, on a space-available basis, as provided in this Chapter 108 of the County Code.

B. Complimentary parking will be available beginning at 8:30 AM on any day when the Council or any of its committees holds meetings.

C. That Clerk of Council will make vouchers available for visitors to pick up when leaving the County Council meeting. The voucher will be stamped for the day of the meeting and will be honored for complimentary parking at the Cuyahoga County Huntington Park Garage, located at 1141 West 3rd Street, Cleveland, Ohio on that day only.

D. On days when all available parking at Huntington Park Garage may be needed for a major event, the Director of Public Works, or their designee, may cancel complimentary parking for that day. At least two weeks' notice shall be provided on the County's website.

E. Complimentary parking vouchers for County Council shall be printed so as to be distinct from other parking documents used at the Huntington Park Garage. The Director of Public Works shall maintain a record showing the dates that vouchers were honored and the number honored on each date, and shall provide this information to the Clerk of Council on a quarterly basis.

(Ordinance Nos. [O2012-0031](#), Enacted 11/27/2012, Effective 11/28/2012; [O2011-0020](#), Enacted 4/26/2011, Effective 5/1/2011)

Chapter 109: Adjustment, Settlement and Compromise Authority

Section 109.01 County Executive's Adjustment, Settlement and Compromise Authority

The Cuyahoga County Executive is hereby authorized to adjust, settle, or compromise any action, cause of action, account, debt, claim, demand, dispute, grievance, arbitration, lawsuit, or any other matter in favor of or against the County or any of its officers, employees, departments, offices, agencies, boards, commissions, or other authorities of the County, except as follows:

A. Settlements resulting in the County's expenditure of an amount in excess of \$50,000.00 for the voluntary acquisition, or taking through the power of eminent domain, of any real estate interest for any purpose other than making or repairing roads, including bridges, shall require prior approval of County Council; and,

B. Settlements resulting in the County's expenditure of an amount in excess of \$50,000.00 for the voluntary acquisition through the good-faith negotiation process under Ohio Revised Code Chapter 163 prior to the institution of eminent-domain litigation, or taking through the power of eminent domain after institution of litigation, of any real estate interests for the purpose of making or repairing roads, including bridges, shall require prior approval by the Board of Control; and,

C. Any other settlements than specified in Section 109.01(A) and (B) herein resulting in the County's expenditure of an amount in excess of \$100,000.00 shall require prior approval of County Council.

([Ordinance No. O2011-0033](#), Enacted 8/9/2011, Effective 8/15/2011)

Chapter 110: Electronic Delivery and Execution of Legislation, Contracts, and other Instruments and Documents

Section 110.01: Electronic Delivery and Execution of Legislation

A. Electronic Delivery and Execution. The presiding officer of Council who is required by Section 3.10(5) of the County Charter to sign each resolution and/or ordinance after its adoption by Council and the County Executive are hereby authorized and may elect to sign resolutions and ordinances by use of electronic signatures. The Clerk of Council is authorized to present resolutions and ordinances to the County Executive for approval or disapproval by electronic transmission and to sign by electronic signatures with regard to legislation. The County Executive is authorized to use electronic signatures and transmission to approve or disapprove any item presented to the Executive and to return it to the Council, including any objections under Section 3.10(6) of the County Charter, via electronic transmission.

B. Effect of Electronic Delivery and Execution. The effect of an electronic signature affixed on a resolution or ordinance by the presiding officer of Council or his or her authorized designee shall be to fulfill the signature requirements contained Section 3.10(5) of the County Charter. The effect of the electronic transmission of a resolution or ordinance by the Clerk of Council or his or her authorized designee to the County Executive for approval or disapproval shall be to fulfill the requirement of Section 3.10(5) of the County Charter. The effect of an electronic signature affixed on a resolution or ordinance by the County Executive or his or her authorized designee for the purpose of approving a resolution or ordinance shall be to fulfill the signature requirement contained in Section 3.10(6) of the County Charter. The effect of the electronic transmission by the Executive or his or her authorized designee of the Executive's written objections to resolutions or ordinances shall fulfill the transmission requirements for disapproving resolutions and ordinances contained in Section 3.10(6) of the County Charter.

([Ordinance No. O2014-0015](#), Enacted 6/10/2014, Effective 7/16/2014)

Section 110.02: Electronic Execution of Contracts, Instruments, and other Documents

The County Executive or his or her authorized designee may execute any contract, agreement, amendment, or any other legal instrument or document, including, but not limited to, documents and instruments for the issuance of bonds and public debt, using electronic signatures.

([Ordinance No. O2014-0015](#), Enacted 6/10/2014, Effective 7/16/2014)

Section 110.03: Procedures and Requirements for Electronic Delivery and Signatures

A. Procedures for Electronic Delivery and Execution of Legislation. The Department of Information Technology shall be responsible for developing and, as may be necessary, amending the manner, format, and security procedures governing the electronic delivery and execution of resolutions and ordinances, which shall be subject to the approval of the Director of Law. Upon being approved by the Director of Law, the procedures and any amendments shall be posted on the County's web site, with copies delivered via electronic mail to the County Executive, Council President, and their respective chiefs of staff. The County Executive or Council President may object to the proposed procedures or amendments within seven calendar days of their electronic receipt of the procedures by submitting the objections to the Director of Law via electronic mail. If the Director of Law does not receive objections from either the County Executive or the Council President within the seven day period, the procedures or amendments shall go into effect on the eighth day of being posted online and submitted to the Executive and Council President.

B. Procedures for Electronic Execution of Contracts, Agreements, Instruments, and Other Documents. The Department of Information Technology and the Department of Purchasing shall be responsible for developing and, as may be necessary, amending the manner, format, and security procedures for the electronic delivery and execution of contracts, agreements, instruments, and other documents other than legislation. These procedures shall be subject to the approval of the Director of Law and may go into effect as directed by the Director of Law.

(Ordinance Nos. [O2021-0008](#), Enacted 5/25/2021, Effective 5/25/2021; [O2014-0015](#), Enacted 6/10/2014, Effective 7/16/2014)

Chapter 111: Legal Services for Executive-elect and Office of the Executive-elect

Section 111.01 Executive-elect and the Office of the Executive-elect's Access to Legal Representation and Attorney-Client Privilege

A. The Executive-elect and the Office of the Executive-elect shall have the right to receive legal advice, opinions, and representation from the Law Department.

B. The Law Department shall add the Executive-elect and the Office of the Executive-elect as clients with full rights, including the ability to access the Law Department's electronic intake system as clients.

C. In receiving legal advice, opinions, and representation from the Law Department, the Executive-elect and the Office of the Executive-elect shall each be entitled to their own attorney-client privilege with the Law Department as their legal counsel. The Law Department shall take the necessary measures to protect the confidentiality of its communications with the Executive-elect and the Office of the Executive-elect, including protection from disclosure of such communications to the Executive or Council.

([Ordinance No. O2014-0022](#), Enacted 9/23/2014, Effective 9/29/2014)

Chapter 112: Designation of Alternates

Section 112.01 Alternates serving in lieu of County Officers and Employees

A. Any county officer or employee who serves on a public body as a representative of Cuyahoga County, or otherwise serves in his or her official capacity as a county officer or employee, may designate an alternate to serve in his or her stead with full voting rights, on a temporary or recurring basis. Alternates shall hold any residency, professional background, license, or county employment requirements that the principal officer or employee is required to hold. This Section shall not apply where the designation of alternates is otherwise provided by law or by the regulations adopted by the public body on which the county officer or employee serves.

([Ordinance No. O2015-0004](#), Enacted 4/29/2015, Effective 4/29/2015)

Chapter 113: Administrative Rules

Section 113.01: Definitions

As used in Chapter 113 of the Cuyahoga County Code:

A. “County Entity” or “County entity” includes the County and any County office, department, agency, board, commission, committee, or other County authority established by or pursuant to the Charter of Cuyahoga County, the Ohio Constitution, or Ohio law.

B. “Rule” or “rule” means any official and legally binding county rule, policy, or regulation. It does not include internal day-to-day operational or such other managerial rule, policy, or other directive within a county entity.

([Ordinance No. O2014-0032](#), Enacted 1/27/2015, Effective 1/29/2015)

Section 113.02: Adoption of Rules

County entities may adopt, amend, rescind, and administer rules on matters within their respective jurisdictions, as established by the County Charter, this Code, or general law, in accordance with the following procedures:

A. A county entity seeking to adopt, amend, or rescind a rule shall submit a request, including the specific language of the rule, to the Clerk of the Administrative Rules Board in accordance with the procedures and deadlines established by the Board for such submissions.

B. The Clerk of the Administrative Rules Board shall publish notice of the request, including the language of the rule, on its web site. The notice shall include the following:

1. The contact information at which written commentary regarding the requested action may be submitted to the requesting county entity;
2. A notice that any party seeking to submit any written commentary shall also provide a copy of its written commentary to the Clerk of the Board;
3. Based on the type of proposed rule, the deadline pursuant to the Board’s Rules of Procedure, by which written public commentary may be submitted; and
4. Notice that any person may also appear at a Board meeting and provide verbal commentary during the public comment period at the beginning of the Board meeting.

C. Upon expiration of the public comment period outlined in paragraph B, the Clerk shall place the request on the Administrative Rules Board’s agenda for consideration.

D. Each request shall be read at two regular meetings of the Administrative Rules Board before being approved by the Board. The Board may waive the two-reading requirement

by a vote of four members of the Board.

E. The County Entity submitting the request shall send a duly authorized representative, who is familiar with its request, to attend the Board meetings when its rule is being considered to present the request and answer any questions from the Board about the request.

F. If a County Entity receives commentary or Board feedback on the merits or language of its rule and it deems it appropriate to revise its rule based on such commentary or feedback, the County Entity may revise its rule while it is being considered by the Board by notifying the Board of such revisions.

G. In ruling on the request to approve a rule, the Administrative Rules Board shall determine (1) whether the requesting entity has the authority to adopt, amend, or rescind the rule and (2) whether the proposed rule conflicts with the County Code. If the Board determines that the proposed rule may properly be adopted as an administrative rule, policy, or regulation and that it does not conflict with the County Code, the Board shall approve the rule. The Board may provide feedback and revision suggestions to the County Entity while it considers the rule, but the Board's vote on approval or denial of the rule shall be based solely on the legality of the rule and whether it conflicts with the County Code.

H. Any proposed rules approved by the Administrative Rules Board shall go into immediate effect, be legally binding, and be published in the Cuyahoga County Administrative Code.

I. Notwithstanding any other provision of this Code, in lieu of submitting its rules to the Administrative Rules Board, the Administrative Rules of the Personnel Review Commission shall be submitted to the Council to ensure that a proposed rule is in accordance with the human resources policies established by this Code, as required by Charter § 9.02(4). The specific language of a proposed rule shall clearly identify any new rule and/or any modification, addition, or deletion of an existing rule, and shall be submitted to the Clerk of Council. Unless extended by a formal resolution of Council, the Council shall have not more than sixty (60) days following the submission of the proposed rule(s) to determine whether the proposed rule(s) is/are in accordance with the human resources policies established by this Code. A proposed rule shall not take effect prior to the expiration of the 60-day review period established by this section unless Council approves the rule(s) prior to the expiration of that review period. If Council determines that a proposed rule is in accordance with the human resources policies established in this Code, the Personnel Review Commission shall submit the proposed rule to the clerk of the Administrative Rules Board for codification in the Administrative Code. If Council determines that a proposed rule or any provision of a proposed rule is not in accordance with the human resources policies established by this Code, Council may declare such proposed rule or provision inapplicable to county employees or appointing authorities. Any proposed rule or provision declared inapplicable shall not be codified in the Administrative Code.

(Ordinance Nos. [O2015-0010](#), Enacted 12/8/2015, Effective 12/10/2015; [O2014-0032](#), Enacted 1/27/2015, Effective 1/29/2015)

Section 113.03: County Administrative Code

The Clerk of the Administrative Rules Board shall officially publish the Cuyahoga County Administrative Code and shall continually update the Administrative Code in an expeditious manner as approved by the Director of Law. The Administrative Code shall include all rules approved by the Board. The Clerk of the Board, with the approval of the Director of Law, may make such changes to the Administrative Code, including the numbers, titles and arrangement of articles and sections, as well as correction of typographical errors, but no such change shall affect the substance or meaning of rules published in the Administrative Code.

(Ordinance No. [O2014-0032](#), Enacted 1/27/2015, Effective 1/29/2015)

Section 113.04: Supremacy of the County Code

Should any conflict exist between this Code and the Administrative Code, this Code shall govern.

(Ordinance No. [O2014-0032](#), Enacted 1/27/2015, Effective 1/29/2015)

Section 113.05: Executive's Authority

Nothing in Chapter 113 is intended to interfere with the Executive's administrative powers under the Charter and his or her authority to issue directives or executive orders, as approved by the Director of Law. Executive orders shall be electronically filed with the Clerk of Council and the Clerk of the Administrative Rules Board and published on the County's web site.

(Ordinance No. [O2014-0032](#), Enacted 1/27/2015, Effective 1/29/2015)

Section 113.06: Emergency Authority

In the event of an emergency, as declared by the County Executive, the County Executive may through the issuance of an Executive Order suspend and/or override the operations of any rule adopted pursuant to this Chapter for a period not to exceed 120 days.

(Ordinance No. [O2014-0032](#), Enacted 1/27/2015, Effective 1/29/2015)

Section 113.07: Transition Period

Any rules that were properly and legally adopted by a County entity prior to the enactment of Chapter 113 shall survive until February 28, 2015, but they shall be null and void thereafter. The Clerk of the Administrative Rules Board shall work with county entities to ensure that they are aware of this expiration date and the need to submit all such rules to the Administrative Rules Board's consideration and approval for publication into the County Administrative Code.

(Ordinance No. [O2014-0032](#), Enacted 1/27/2015, Effective 1/29/2015)

Chapter 114: Appointment and Confirmation

Section 114.01: Submission of Appointments to County Council

A. The submission of any candidate to the Council for confirmation shall be accompanied by the following:

1. A letter from the candidate requesting the appointment, if such a letter was submitted to the appointing authority;
2. A copy of the candidate's current résumé or equivalent summary of academic, professional, and experiential qualifications;
3. A copy of any and all professional licenses or other credentials held by the candidate that are required to be held by the appointee; and
4. A letter from the appointing authority providing the following information:
 - a. The title of the board, agency, commission, or authority to which the candidate is being appointed;
 - b. Any statutory or other qualifications required to hold the appointed position, plus a statement that the candidate meets such qualifications;
 - c. The specific term of office during which the candidate would serve;
 - d. An indication of whether the candidate is being considered for a new appointment or for reappointment;
 - e. For a new appointment: the name of the individual who the candidate would replace;
 - f. For a reappointment: the past attendance record of the candidate, if maintained by the board, agency, commission or authority to which the candidate is being appointed;
 - g. A cumulative list of individuals who applied for the position;
 - h. The candidate's city and county of residence;
 - i. An indication of whether the candidate currently serves on any government, private, or non-profit board or commission;
 - j. An indication of whether any opinion was requested or issued from the Inspector General, the Ohio Ethics Commission, or other authority regarding potential conflicts of interest related to the candidate's appointment.
 - k. If the candidate is being appointed to a compensated position, the starting annual compensation of the position.

B. In the event that any of the information identified in this Section is not provided to the Council with the submission of an appointment, such omission shall be deemed sufficient grounds for rejection of a candidate's appointment by the Council.

(Ordinance Nos. [O2015-0001](#), Enacted 1/27/2015, Effective 1/29/2015; [O2014-0030](#), Enacted 11/12/2014, Effective 11/13/2014)

Section 114.02: Notice of Interim Appointments

A. In the event an interim appointment is made pursuant to Section 2.03 (2) of the charter, the county executive or designee shall notify the president of council within five days of making the appointment, including the date the appointment was made, and shall file the interim appointee's oath of office with the clerk of council pursuant to chapter 107 of this code.

B. New Executive's Interim Appointments

A new County Executive may make interim appointments for up to 120 days without Council confirmation in accordance with Section 2.03 (2) of the County Charter, notwithstanding the status or length of service of previous interim appointments made by a predecessor Executive.

(Ordinance Nos. [O2015-0004](#), Enacted 4/29/2015, Effective 4/29/15; [O2015-0001](#), Enacted 1/27/2015, Effective 1/29/2015; [O2014-0022](#), Enacted 9/23/2014, Effective 9/29/2014)

Title 2: County Organization

- [Chapter 202: County Executive and Departments](#)
- [Chapter 204: Independent Entities](#)
- [Chapter 205: Boards](#)
- [Chapter 206: Commissions](#)
- [Chapter 207: Committees](#)
- [Chapter 208: Other Established Entities](#)

Chapter 202: County Executive and Departments

Section 202.01 Department of Purchasing

A. The Department of Purchasing, established in accordance with Section 10.01 of the Charter, shall be responsible for administration of and compliance with the provisions of Title V of the County Code, unless otherwise provided in this Code.

B. The Director of the Department of Purchasing shall be appointed by the County Executive, subject to confirmation by Council in accordance with Section 2.03(2) of the Charter.

(Ordinance No. [O2021-0006](#), Enacted 5/25/2021, Effective 5/25/2021)

Sections 202.02 - 202.03 Reserved.

Section 202.04 Department of Public Works

A. The Department of Public Works is hereby established under the supervision of the County Executive and the Director of Public Works who, pursuant to Article V of the Charter, shall be appointed by the County Executive, subject to confirmation by Council, and shall serve at the pleasure of the County Executive.

B. The duties and functions of the former Department of Central Services shall be incorporated into the Department of Public Works unless otherwise provided for in the Code of Cuyahoga County. The Department of Public Works shall contain the following divisions and sections: (a) Finance and Planning Division, containing a Finance and a Planning Section, (b) Maintenance Division, (c) County Engineer Division, containing a Design Section and a Construction Section, (d) Animal Shelter Division, and (e) Public Utilities Division.

C. The person hired by the Department of Public Works to perform the duties declared by general law to be done by a County Engineer shall possess the credentials for a County Engineer that are required by the Ohio Revised Code, which are currently that the County Engineer be both a registered professional engineer and a registered surveyor, licensed to practice in the State of Ohio.

D. The operations of the Cuyahoga County Airport, including, but not limited to, all functions, duties, responsibilities, employees and assets of the Airport are hereby transferred from the Department of Development to the Department of Public Works. The operations shall be allocated within the established divisions under the Department of Public Works as applicable. Notwithstanding the foregoing sentences of this Section (D), the economic development interests of the County with regard to the facilities, tenants, prospective tenants/businesses and parcels of the County Airport shall remain the responsibility of the Department of Development.

E. With the consent of the County Executive, the Director of Public Works is authorized to employ persons in the service of the Department within established budgetary parameters and in compliance with the Human Resources policies and procedures of the County. Nothing in Section

202.04 of the Cuyahoga County Code is intended to limit the ability of the County Executive and the Director of Department of Public Works to abolish positions for the purpose of enhancing the efficiency of operations or for any other reason permitted by general law.

F. There is hereby established a Division of Public Utilities in the Department of Public Works subject to the provisions of the County Charter and ordinances of the County and to the supervision and direction of the Director of Public Works.

1. Before the Division of Public Utilities provides any public utilities or related services to the residents or entities of a municipality within Cuyahoga County, the Executive shall first receive consent from that municipality.
2. County Council shall approve any agreements, including agreements with the municipality, necessary for the County to provide public utilities and related services within the municipality.

(Ordinance Nos. [O2021-0003](#), Enacted 9/14/2021, Effective 9/15/2021; [O2012-0035](#), Enacted 1/22/2013, Effective 1/24/2013; [O2011-0027](#), Enacted 7/12/2011, Effective 8/11/2011; [O2011-0011](#), Enacted 2/15/2011, Effective 2/22/2011; [O2011-0010](#), Enacted 2/15/2011, Effective 2/22/2011)

Section 202.05 Department of Law

A. The Cuyahoga County Department of Law

1. There is hereby established the Department of Law for Cuyahoga County, to be officially called "The Cuyahoga County Department of Law."
2. For convenience, the Cuyahoga County Department of Law may also be referred to as the "Cuyahoga County Law Department" or the County's "Law Department" in correspondence, legislation, or as is otherwise necessary or convenient.
3. For convenience, the Director of Law may also be referred to as the County's "Law Director" in correspondence, legislation, or as is otherwise necessary or convenient, and the term "Law Director" shall be accorded the same meaning as "Director of Law."
4. The Director of Law shall exercise all powers, duties, and responsibilities that s/he may exercise under the Cuyahoga County Charter, and s/he shall have all powers, duties, and responsibilities to advise and represent the County in all legal matters and proceedings. The Director of Law and, as the Director of Law deems appropriate, his/her designee(s) within the Department of Law shall have the power to waive conflicts of interest relating to the retention of outside counsel and Department attorneys and staff. If the Director of Law and all of his/her designee(s) are unable to grant such a waiver because they have a conflict of interest pursuant to the Ohio Code of Professional Conduct, the Inspector General or, as the Inspector General deems appropriate, his/her designee(s) shall have the power to waive such conflicts.
5. The powers, duties, and responsibilities of the Director of Law shall be broadly construed, and the listing of any specific powers, duties, or responsibilities of the Director of Law in this section or any other section of the Cuyahoga County Code shall not be construed to exclude any other powers, duties, or responsibilities of the Director of Law existent under the County Charter, its home rule powers, or the general law of the State of Ohio.
6. The Director of Law shall supervise and manage the Department of Law and may employ such number of deputies, assistants, and employees as s/he determines to be

reasonably necessary to assist him/her in carrying out his/her powers and duties and as is consistent with approved budgetary parameters determined by Council.

7. The Department of Law shall contain the following divisions: (1) General Division and (2) Risk Management Division. The General Division shall contain the following sections: (a) Labor and Employment; (b) Open Meetings and Public Records; (c) Budget and Finance; (d) Legislation; (e) Contracting, Procurement and Real Estate; (f) Environmental; and (g) Charter and Constitutional Law. The specific goals, duties and activities of the Department's divisions and sections shall be further determined by the Director of Law. Since all employees in the Law Department hold fiduciary relationships and regularly interact with sensitive and confidential information and materials, including materials and documents protected by the attorney-client privilege, all employees in every division and section in the Law Department are and shall remain at-will, unclassified employees. Nothing in Section 202.05 of the Cuyahoga County Code is intended to limit the ability of the County Executive and the Director of Law to abolish positions for the purpose of enhancing the efficiency of operations or any other reason permitted by law.

B. Department of Law's Budget.

1. A proposed operating budget shall be presented to Council for approval at such time as the Director of Law and the County Council are able to create a schedule of estimated revenues and proposed expenditures for the Department of Law.
2. The requirement for a proposed budget shall not prohibit the Director of Law from proceeding with the creation and maintenance of the Department of Law, including the reasonable hiring of Department attorneys or other staff, while the proposed budget is being formulated.

(Ordinance Nos. [O2012-0001](#), Enacted 1/24/2012, Effective 1/29/2012; [O2011-0029](#), Enacted 7/26/2011, Effective 7/29/2011; [O2011-0016](#), Enacted 4/19/2011, Effective 4/25/2011)

Section 202.06 Reserved.

Section 202.07 Sheriff's Department

A. The Sheriff's Department is hereby established, and it shall be its own appointing authority pursuant to the relevant provisions of the Cuyahoga County Charter.

B. The Sheriff's Department shall be under the direction of the County Sheriff. The Sheriff's Department and its employees shall aid and assist the County Sheriff in carrying out the powers, duties, and responsibilities that are assigned to the Sheriff by the general law, the County Charter, and by County law. With the approval of the County Executive, the Sheriff shall employ and supervise such number of deputies, assistants, and employees as are reasonably necessary to carry out the Department's functions. All employees assigned to the County Sheriff are hereby assigned to the Sheriff's Department. Nothing in the Cuyahoga County Code is intended to limit the ability of the County Executive and the County Sheriff to abolish positions for the purpose of enhancing the efficiency of operations or for any other reason permitted by general law or County law.

C. The Sheriff's Department shall include, but is not limited to, the following divisions:

1. Division of Civil Court Orders whose responsibility shall be to carry out court orders.
2. Division of Corrections whose responsibility shall be the administration and operation of the Cuyahoga County Corrections Center;
3. Division of Law Enforcement whose responsibility shall be the law enforcement duties of county sheriffs.
4. Division of Protective Services whose responsibility shall be the provision of security services for county offices and buildings where the County Sheriff determines that such services should be provided using County personnel. Protective Services Officers shall be considered County security personnel who are not law enforcement officers. The

Sheriff shall determine the training necessary for the certification of Protective Services Officers. Such training shall, at a minimum, include satisfactory completion of program that have been approved by the Ohio Peace Officer Training Commission designed to qualify persons for positions as security guards.

D. Authority to Carry Weapons:

1. Employees of the Sheriff's Department who are authorized to carry weapons pursuant to general law shall comply with all state and federal laws governing certification and re-certification necessary to carry weapons.
2. Where general law does not govern the certification and re-certification of employees to carry weapons, the following provisions shall apply:
 - a. The Sheriff may issue firearms, other intermediate weapons (e.g., pepper spray), and/or hard controls (e.g., handcuffs) to any employees in the Sheriff's Department who are specifically pre-authorized by the Sheriff and are designated in the Department's written policies and procedures. The Sheriff shall have the power to commission employees in the Sheriff's Department to carry firearms if the employee has successfully completed the firearms training and requalification programs that are required by law for Deputy Sheriffs. The Sheriff may permit employees to carry intermediate weapons and hard controls if the employee has successfully completed required training as determined by the Sheriff.
3. The Sheriff shall ensure that the Department's continuum of force policy applies to all employees who carry weapons. All employees who carry weapons shall properly secure firearms or other weapons, while on duty and off as required by the Sheriff.

(Ordinance No. [O2013-0015](#), Enacted 7/23/2013, Effective 7/30/2013)

Section 202.08 Department of Development A.

A. The Department of Development, established in accordance with Article VII of the Charter, shall contain the following divisions: (1) Division of Economic Development, and (2) Division of Fiscal Services. The Division of Fiscal Services shall also provide such services to the Department of Housing and Community Development established under Section 202.09 of the Code

B. The Director of the Department of Development shall be appointed by the County Executive, subject to confirmation by Council in accordance with Section 2.03(2) of the Charter.

C. Nothing in Section 202.08 of the Cuyahoga County Code is intended to limit the

ability of the County Executive and the Director of the Department of Development to abolish positions for the purpose of enhancing the efficiency of operations or for any other reason permitted by general law.

(Ordinance Nos. [O2023-0007](#), Enacted 4/27/2023, Effective 4/28/2023; [O2012-0030](#), Enacted 1/22/2013, Effective 1/24/2013)

Section 202.09 Department of Housing and Community Development

A. There is hereby established the Department of Housing and Community Development. To address the housing needs of all persons and communities within Cuyahoga County, the Department shall, without limitation:

1. Periodically, but no less frequently than once every five years beginning in the last quarter of 2023:
 - a. review the housing needs that exist in Cuyahoga County and determine the funding types and levels needed to implement the programming to address those needs;
 - b. convene housing stakeholders at all levels throughout the community to facilitate development of a county-wide housing policy to address the evolving housing needs of the community.
2. Provide healthy and inclusive programming that strengthens and enhances the livability and quality of life in the neighborhoods and communities throughout Cuyahoga County.

B. The Department of Housing and Community Development shall be under the supervision of the County Executive and the Director of Housing and Community Development. The Director of Housing and Community Development shall be appointed by the County Executive, subject to confirmation by Council in accordance with Section 2.03(2) of the Charter.

C. The Department of Development Division of Fiscal Services shall provide fiscal and other related services to the Department of Housing and Community Development including, at the direction of the Director of Housing and Community Development, administration of all funds directly related to housing and community development.

(Ordinance No. [O2023-0007](#), Enacted 4/27/2023, Effective 4/28/2023)

Section 202.10 Department of Health and Human Services

- A. There is hereby established the Department of Health and Human Services. The duties, functions, and employees of the former Departments of Children & Family Services, Employment & Family Services, Cuyahoga Support Enforcement Agency, and Senior & Adult Services, each of which have historically operated as its own department, shall be incorporated as three separate divisions within the Department of Health and Human Services. These divisions shall be known as Cuyahoga Job and Family Services, Children and Family Services, and Senior and Adult Services. Each of these divisions will be supervised by a Director who will report to the Director of Health and Human Services.
- B. The Department of Health and Human Services shall also contain the Community Initiatives Division, consisting of the Family and Children First Council, the Office of Early Childhood, the Office of Homeless Services, and the Office of Re-entry.
- C. The Department of Health and Human Services shall also contain the Office of the Director.
- D. The Director of Health and Human Services is hereby authorized to employ and supervise directors, deputies, assistants and employees as shall be conducive to the efficient performance of the duties of the Department of Health and Human Services and is consistent with approved budgetary parameters determined by Council.
- E. After the effective date of this ordinance, and except as otherwise set forth herein, the Directors of Children and Family Services, Cuyahoga Job and Family Services and Senior and Adult Services shall be appointed by the County Executive, subject to confirmation by the Council in accordance with Section 2.03(2) of the Charter, and shall be the heads of their respective agencies.

Any current Directors of Children and Family Services, Cuyahoga Job and Family Services and Senior and Adult Services, at the time this ordinance is passed, shall be deemed confirmed in accordance with this paragraph E unless the Council President requests in writing to the County Executive within sixty (60) days of the passage of this ordinance that one or more of the current Director(s) be appointed by the County Executive and be confirmed by Council.

- F. Health and Human Services Planning Process
 - 1. The County Executive and the Director of Health and Human Services shall prepare and present to Council by July 1, 2017, a proposed five-year Health and Human Services Plan which may include any or all of the following elements and any other elements at the discretion of the Director of Health and Human Services:
 - a. A map showing what health and human services are currently available in Cuyahoga County and who provides them;
 - b. An identification of needs and gaps in Cuyahoga County's health and human services and an assessment of the adequacy of current funding sources to meet those needs and gaps;

- c. A statement of priorities and goals for the Department of Health and Human Services;
 - d. Identification of best strategies for implementing a prevention-oriented approach designed to reduce long-term demand for services;
 - e. A plan for creating more effective collaborations among the divisions of the Department of Health and Human Services and community agencies to achieve greater efficiency, reduce overlap, and more accessible intake procedures, while also ensuring compliance with all applicable laws related to information sharing;
 - f. Identification of strategies for making better use of technology and business improvement models to improve service delivery;
 - g. Identification of strategies for helping people gain well-compensated employment and economic self-sufficiency through collaboration among the health and human services system and other large systems in our community, including workforce development, economic development, education, criminal justice, and others as appropriate; and
 - h. Identification of measurement strategies to assess progress made in achieving the priorities and goals set forth in the plan
2. The Director of Health and Human Services is encouraged to facilitate involvement by members of County Council, other stakeholders, and the public during the planning process.
 3. No later than ninety days after the plan is presented to Council, the Council may adopt the plan with such changes as the Council and the Executive shall agree upon prior to adoption. If the Council fails to act within ninety days, the plan shall become effective as presented.
 4. The County Executive and the Director of Health and Human services shall present a revision of the five-year Health and Human Services plan every four years after the presentation of the original plan and may at their sole discretion present revisions in the interim. Revisions of the Health and Human Services Plan shall be reviewed by Council as provided in paragraph (E)(3) of this Section.
 5. The Director of Health and Human Services, under the direction of the County Executive, may contract for professional services to assist in preparing the Health and Human Services Plan, consistent with the procedures for contracting, procurement, and budgeting provided in Title 5 and Title 7 of this Code.
 6. The Director of Health and Human Services shall maintain a copy of the current Health and Human Services Plan and each prior plan that became effective on the appropriate County website.

G. Nothing in Section 202.10 of the Cuyahoga County Code is intended to limit the ability of the County Executive and the Director of the Department of Health and Human Services to abolish positions for the purpose of enhancing the efficiency of operations or for any other reason permitted by general law.

H. Displacement rights following the abolishment of a position within the Department of Health and Human Services are hereby delineated and wholly defined as displacement within the Division to which each employee is assigned (i.e., the Division of Children and Family Services; the Division of Senior and Adult Services; Cuyahoga Job and Family Services; or, the Division of Community

Initiatives Services). In the case of the employees of the Office of the Director, displacement rights shall be limited to that office.

1. No employee within the Department of Health and Human Services may displace another employee who has more retention points, regardless of the classification of either employee.
2. Section 202.10 of the Cuyahoga County Code specifically overrides any and all conflicting ordinances, as well as the provision set forth in OAC 123:1-41-12(E) that creates an additional displacement category for employees of county departments of job and family services defined as displacement in classifications previously held. Unless provided for otherwise in a collective bargaining agreement, in which case the terms of the agreement shall apply, employees in the Department of Health and Human Services shall have only those displacement rights contained herein.

(Ordinance Nos. [O2022-0001](#) ,Enacted 4/26/2022, Effective 4/29/2022; [O2016-0011](#), Enacted 9/13/2016, Effective 10/7/2016; [O2013-0004](#), Enacted 5/28/2013, Effective 5/31/2013; [O2012-0029](#), Enacted 10/23/2012, Effective 10/24/2012; [O2011-0045](#), Enacted 10/11/2011, Effective 10/12/2011)

Section 202.11 Reserved.

Section 202.12 Department of Public Safety and Justice Services

A. The Department of Public Safety and Justice Services is hereby officially established, and it shall be its own appointing authority pursuant to Section 9.04 of the Cuyahoga County Charter.

B. The duties, functions, and employees of the former Department of Justice Affairs, which has historically operated as its own department, are hereby incorporated into the herein established Department of Public Safety and Justice Services. The Department of Public Safety and Justice Services shall contain the following divisions:

1. Administration
2. Fiscal and Grant Services
3. Cuyahoga Emergency Communications System (CECOMS)
4. Emergency Management
5. Witness Victim Services

In addition to the duties and activities carried out by its divisions, the Department of Public Safety and Justice Services may enter into a partnership with a non-county agency, through agreement or memorandum of understanding, to establish ongoing programs or operations that further the mission and goals of the Department.

C. The specific goals, duties, and activities of the Department of Public Safety and Justice Services and its divisions shall be further determined by the County Executive who shall employ and supervise a Director and such number of deputies, assistants, and employees as shall be reasonably necessary in carrying out the duties of the new Department of Public Safety and Justice Services. Nothing in Section 202.12 of the Cuyahoga County Code is intended to limit the ability of the County Executive and the Director of the Department of Public Safety and Justice Services to abolish positions for the purpose of enhancing the efficiency of operations or for any other reason permitted by general law.

(Ordinance Nos. [O2017-0008](#), Enacted 2/26/2019, Effective 3/1/2019; [O2011-0037](#), Enacted 9/13/2011, Effective 9/14/2011)

Section 202.13 Department of Regional Collaboration

A. A Department of Regional Collaboration under the supervision of the County Executive is hereby established to advocate for and promote cooperation and collaboration with and among the State of Ohio and other political subdivisions.

B. The specific goals, duties and activities of the Department of Regional Collaboration shall be further determined by the County Executive who shall employ and supervise a Director and such number of deputies, assistants and employees as shall be reasonably necessary to assist the County Executive in carrying out the duties of the new Department of Regional Collaboration.

C. A proposed operating budget shall be presented to Council for approval at such time as the County Executive is able to create a schedule of estimated revenues and proposed expenditures for the Department of Regional Collaboration.

(Ordinance No. [O2011-0009](#), Enacted 4/19/2011, Effective 4/25/2011)

Section 202.14 Department of Communications

A. The Department of Communications is hereby officially established, and it shall be its own appointing authority pursuant to Section 9.04 of the Cuyahoga County Charter.

B. The specific goals, duties, and other communications-related activities of the Department of Communications shall be further determined by the County Executive who shall employ and supervise a Director and such number of deputies, assistants, and employees as shall be reasonably necessary in carrying out the duties of the Department of Communications. Nothing in Section 202.14 of the Cuyahoga County Code is intended to limit the ability of the County Executive and the Director of the Department of Communications to abolish positions for the purpose of enhancing the efficiency of operations or for any other reason permitted by general law.

(Ordinance No. [O2011-0051](#), Enacted 11/9/2011, Effective 11/10/2011)

Section 202.15 Department of Information Technology

A. The Department of Information Technology is hereby officially established, and, for the specific purposes stated in Section 9.04 of the Cuyahoga County Charter, shall be its own appointing authority.

B. The powers and duties of the former Automatic Data Processing Board and Data Information Center shall be transferred to the Department of Information Technology. All property, records, and equipment of the Automatic Data Processing Board and Data Information Services Center shall be transferred to the Department of Information Technology.

C. Unless otherwise specified in the Code of Cuyahoga County, the Department of Information Technology shall coordinate the use of all automatic or electronic data processing or record-keeping equipment, software, computer hardware, information technology and/or information technology services in use by the various Cuyahoga County government offices, departments, agencies, boards and commissions that are under the jurisdiction of the Charter. All contracts for automatic or electronic data processing or record-keeping equipment, software, computer hardware, information technology and/or information technology services shall be presented to the Department of Information Technology for review and approval prior to presentation to the appropriate authority, as determined by Chapter 501 of the Cuyahoga County Code, for final approval of contracts.

D. Notwithstanding Section 202.15(C) above, nothing in this section is intended to be construed to place the Regional Enterprise Data Sharing System (“REDSS”) or the REDSS Advisory Board under the purview of the Department of Information Technology.

E. The specific goals, duties, and other related activities of the Department of Information Technology shall be determined by a director known as the “Chief Information Officer” who shall serve at the pleasure of the County Executive and who, with the approval of the County Executive pursuant to Charter Section 2.03(1), shall employ and supervise such number of deputies, assistants, and employees as shall be reasonably necessary to carrying out the duties of the Department of Information Technology and such other persons as are specifically designated by the Charter or by the Cuyahoga County Code to exercise the functions of the Department of Information Technology as specified herein.

F. The Department of Information Technology shall be comprised of the staff of the Chief Information Officer and the following divisions: Human Services Applications, Justice Services Applications, Enterprise Services Applications, and Infrastructure Operations. Nothing in Section 202.15 of the Cuyahoga County Code is intended to limit the ability of the County Executive and the Chief Information Officer to abolish positions for the purpose of enhancing the efficiency of operations or for any other reason permitted by general law.

(Ordinance No. [O2012-0012](#), Enacted 6/12/2012, Effective 6/14/2012)

Section 202.16 Department of Consumer Affairs

A. The Cuyahoga County Department of Consumer Affairs

1. There is hereby established the Department of Consumer Affairs for Cuyahoga County under the supervision of the County Executive and the Fiscal Officer.
2. The official title of the department established in this section shall be the "Cuyahoga County Department of Consumer Affairs."
3. For convenience, the Cuyahoga County Department of Consumer Affairs may also be referred to as the County's "Department of Consumer Affairs" or "Consumer Affairs Department" in correspondence, legislation, or as is otherwise necessary or convenient.
4. The Department of Consumer Affairs shall consist of the following divisions: (a) Weights and Measures, and (b) Consumer Protection.
5. The Department of Consumer Affairs shall have jurisdiction over all consumer transactions which take place within Cuyahoga County, regardless of the residence of any of the persons directly or indirectly affected by such transaction, unless prohibited by the Charter or general law.
6. The functions, employees, duties and responsibilities of the former Department of Weights and Measures are hereby incorporated into the Department of Consumer Affairs.
7. The duties and responsibilities of the Division of Consumer Protection shall include:
 - a. Protecting and promoting the welfare of County consumers;
 - b. Promoting consumer/financial literacy and asset building in Cuyahoga County;
 - c. Receiving and investigating complaints and initiating its own investigation of alleged violations of consumer protection or weights and measures laws as provided by Cuyahoga County or the Ohio Revised Code, the Ohio Administrative Code, and other applicable consumer laws as amended, or referring such violations to the Cuyahoga County Prosecutor, Ohio Attorney General, or other agencies if appropriate;
 - d. Educating consumers and businesses about laws related to consumer protection;
 - e. Mediating disputes between consumers and businesses related to consumer protection complaints;
 - f. Collaborating with businesses, non-profit organizations and government agencies on programs related to consumer affairs issues;
 - g. Advising, when requested, the County Executive and the County Council on policies and programs related to consumer protection; and
 - h. Such other duties and responsibilities as provided by Ordinance of Cuyahoga County.

B. The Director of Consumer Affairs

1. There shall be a Director of Consumer Affairs who shall lead the Department of Consumer Affairs. The Director shall have thorough knowledge of county, state, and federal consumer protection laws; experience in the areas of consumer protection and education, the promotion of fair business practices, and the investigation, mediation and resolution of consumer complaints and issues; demonstrated knowledge, skills and abilities required in managing a division within a consumer affairs organization including directing budget, personnel, fiscal, supply and other administrative functions of an organization; and experience establishing collaborative relationships with business, non-profit and public entities for the purpose of addressing consumer protection issues.
2. The Director of Consumer Affairs shall be responsible for fulfilling the duties of the Department of Consumer Affairs and is authorized to hire personnel in the Department of Consumer Affairs to aid and assist the Director in the proper discharge of his or her duties and powers, subject to the approval of the County Executive; consistency with the Human Resources policies and procedures of the County, the County Charter and general law; and budgetary constraints set by County Council and the County Executive.

(Ordinance No. [O2018-0002](#), Enacted 4/24/2018, Effective 5/25/2018; [O2011-0053](#), Enacted 12/11/2012, Effective 1/11/2013)

Section 202.17 Reserved.

Section 202.18 Department of Sustainability

A. The Cuyahoga County Department of Sustainability

1. There is hereby established the Department of Sustainability for Cuyahoga County under the supervision of the County Executive and the Director of Sustainability. The Department shall be its own appointing authority pursuant to the County Charter and County Code.
2. The Department of Sustainability shall have the following functions:
 - a. Promoting environmentally sustainable business practices in the internal operations of the County;
 - b. Collaborating with businesses, non-profit organizations, political subdivisions and government agencies to develop programs incorporating environmentally sustainable methods into accepted practice;
 - c. Promoting economic development to support businesses that provide environmentally sustainable goods and services;
 - d. Educating the public about environmentally sustainable practices;
 - e. Advising, when requested, the County Executive and the County Council on policies and programs related to environmental sustainability; and
 - f. Coordinate and collaborate with other directors and departments to achieve operational efficiencies and to eliminate redundancy within County government.

B. The Director of Sustainability

1. There shall be a Director of Sustainability who shall be appointed by the County Executive, subject to confirmation by Council. The Director of Sustainability shall serve at the pleasure of the County Executive and shall lead the Department of Sustainability. The Director of Sustainability shall possess the following qualifications:
 - a. demonstrated knowledge of county, state, and federal environmental regulation;
 - b. experience in the finance and administration of public or private- sector sustainability projects; and
 - c. experience establishing collaborative relationships with business, non-profit and public entities.
2. The Director of Sustainability shall be responsible for fulfilling the duties of the Department of Sustainability and may employ such number of deputies, assistants, and employees as s/he determines to be reasonably necessary to assist him/her in carrying out his/her powers and duties and as is consistent with approved budgetary parameters determined by Council.

C. County Sustainability Plan

1. The Department of Sustainability shall prepare and present to Council by September 1, 2017 a proposed five-year Sustainability Plan to achieve the objectives identified in paragraph (A)(2) of this section. 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 Sustainability Plan shall be reviewed and revised as needed, but not less than once every five years in accordance with the foregoing procedures.

2. The Clerk of Council shall maintain a copy of all versions of the Cuyahoga County Sustainability Plan on the Council's website.

(Ordinance Nos. [O2016-0008](#), Enacted 4/12/2016, Effective 5/13/2016; [O2014-0023](#), Enacted 10/28/2014, Effective 12/6/2014)

Section 202.19 Office of the Executive-elect

A. Not sooner than the second Monday in November in each year in which a new County Executive is elected, the Executive-elect may appoint no more than five immediate staff members to the Office of the Executive-elect. The Office of the Executive-elect shall assist the Executive-elect in preparing for the assumption of official duties as County Executive. All operations of the Office of the Executive-elect shall terminate no later than January 15 of the year following the election for County Executive.

B. Employees of County agencies may be detailed to the Office of the Executive-elect with the consent of the County Executive and the director of their respective agency; and, while so detailed, such employees shall be responsible only to the Executive-elect. Any employee so detailed shall continue to receive the compensation provided for regular employment.

C. Employees of the Office of the Executive-elect shall serve in a temporary, unclassified capacity; provided however that those employees detailed from other County agencies shall retain the rights and privileges of their permanent employment without interruption.

D. The Council shall make appropriations in the operating budget for the fiscal year in which a new Executive is elected for the payment of salaries of staff of the Office of the Executive-elect and other reasonable expenses of the Executive-elect during the period of transition. All funds appropriated for carrying out the purposes of this Section shall not exceed \$250,000 for any one County Executive transition period. The County Executive shall include in the biennial budget transmitted to Council a proposed appropriation for carrying out the purposes of this Section for each fiscal year in which his or her regular term of office will expire. In the event the Executive-elect is the incumbent County Executive, appropriations made pursuant to this section shall not be used for transition activities, and shall instead be returned to the general fund.

E. County Departments operating under the authority of the County Executive shall each, upon request, provide those services, facilities, and equipment as may be reasonably necessary for the Office of the Executive-elect to carry out its official duties.

(Ordinance No. [O2014-0022](#), Enacted 9/23/2014, Effective 9/29/2014)

Section 202.21 Department of Equity and Inclusion

A. The Department of Equity and Inclusion is hereby established under the supervision of the County Executive and the Fiscal Officer.

B. The Department of Equity and Inclusion shall be supervised and managed by the Director of Equity and Inclusion.

1. The Director of Equity and Inclusion shall be appointed by the County Executive, subject to Council approval in accordance with Section 2.03(2) of the Charter.
2. The Fiscal Officer may employ such persons as may be reasonably necessary, within budget parameters established by the Executive and Council, to assist the Director of Equity and Inclusion in carrying out the duties and responsibilities of the Department of Equity and Inclusion. The Director of Equity and Inclusion shall not be an appointing authority for purposes of the Charter or Ohio general law.

C. The Department of Equity and Inclusion shall be responsible for enhancing equity in program and policy development within County government by coordinating with the County Equity Commission, the Citizens Advisory Council on Equity, and the various departments under the jurisdiction of the County Executive. The Department's duties shall include, without limitation, the following:

1. increasing participation of minority- and women-owned business enterprises (MWBE) in County contracting and purchasing opportunities;
2. working with the Office of Innovation and Performance, develop metrics and reports regarding whether County agencies meet or exceed their MWBE contracting goals;
3. working with the Human Resources Department, develop and implement programs, training, and assessment to build a culture of equity with respect to race, gender and sexual orientation throughout County government, including in hiring and promotion;
4. serving as an ombudsman to accept and evaluate inquiries and complaints from the general public with regard to implementation of the County's equity initiatives and to coordinate and facilitate community input.

D. The Director of Equity and Inclusion reserves the right and discretion to recommend rejecting any bid or proposal based on the evaluation of same for compliance with any MWBE program established in accordance with this Section or any equity or inclusion program otherwise provided for in the County Code.

(Ordinance No. [O2021-0007](#), Enacted 5/25/2021, Effective 5/25/2021)

Chapter 204: Independent Entities

Section 204.01 Agency of the Inspector General

A. **Definitions.** As used in Section 204.01 of the Cuyahoga County Code:

1. "Agency" shall refer to the Agency of the Cuyahoga County Inspector General established herein.
2. "Cause" for purposes of removal for cause shall have the same meaning as legitimate cause under Ohio's civil service law.
3. "Employee" / "Employees" shall mean County employees who operate within the County government established by the Cuyahoga County Charter.
4. "Investigation" means an examination, review, inquiry, study, inspection, analysis, probe, or appraisal.
5. "Public Official" / "Public Officials" shall mean the public officials of the Cuyahoga County government established by the Cuyahoga County Charter.
6. "County Contracts" shall mean all contracts to which the County is a party, excluding collective bargaining contracts and contracts with any other governmental entity.

B. **The Cuyahoga County Inspector General Agency.**

1. **Establishment.** There is hereby established the Agency of Inspector General to be known as the "Cuyahoga County Inspector General."
2. **Direction of Agency.** The Inspector General shall direct the Agency and shall employ assistants and employees as shall be reasonably necessary to assist the Inspector General in carrying out the duties of the Agency in accordance with the budget parameters set forth in this Chapter. In employing the assistants and other employees, the Inspector General shall comply with the hiring rules, regulations and processes of the Human Resource Department of Cuyahoga County.
3. **Investigative Powers and Duties.** The Inspector General is hereby appointed to conduct investigations under Section 2.05 and Article XV of the County Charter and shall, therefore, have all such rights and duties to investigate fraud, corruption, waste, abuse, misfeasance, malfeasance, and nonfeasance without interference or pressure from any other Public Official or Employee. The Inspector General shall also perform all of the following:
 - a. The Inspector General shall serve as the County's chief ethics officer and is charged with the responsibility of investigating and enforcing Title 4 of the County Code in accordance with the terms of said Title. In so doing, the Inspector General shall cooperate with the County's Personnel Review Commission. The Inspector General shall not interfere with the authority of the Personnel Review Commission to ensure "compliance with ethics resolutions or ordinances as passed by the Council" under Section 9.02(3) of the County Charter.
 - b. The Inspector General shall establish a "hotline" and web site to receive complaints from either anonymous or identified persons, and s/he shall investigate all complaints, tips, and any other filings and submittals received by the Agency regardless of the

format or forum through which such information or documents are received. Without regard to how such documents are received by the Agency, all documents prepared or received by the Agency, including, without limitation, all complaints, tips, and any other filings and submittals received by it shall be considered part of the Inspector General's investigative files, provided however, the Inspector General may take steps to preserve the anonymity of complainants or sources in compliance with Ohio Public Records Law.

c. The Inspector General shall have the powers and rights to investigate all county contracts subject to the limitations set forth in Section 204.01(B)(4) of this Chapter.

d. If an investigation reveals reasonable grounds to believe that a violation of any state, federal, or local law, rule, regulation, or policy has taken place, the Inspector General shall notify the appropriate civil, criminal, or administrative agencies in charge with enforcement of said violation. If an investigation reveals reasonable grounds to believe that a violation of a rule, regulation, or policy governing a County employee has taken place, the Inspector General shall notify the employee's appointing authority and the applicable Department of Human Resources.

e. The County Executive or designee shall provide a written response or report following any investigation in which the Inspector General recommends an agency or department under the jurisdiction of the County Executive take a particular action. Prior to completing an investigation, the Inspector General may provide an opportunity for the County Executive or designee to submit a response or report for inclusion in the Inspector General's investigative report or recommendations. If the Inspector General declines to provide such an opportunity, the County Executive or designee shall provide the response or report to the Inspector General within thirty days following the publication of an investigative report, or within a reasonable time as determined by the Inspector General. Such response shall indicate, at a minimum, those steps the Executive or designee has taken or plans to take, if any, to address the recommendation or recommendations in an Inspector General investigation; provided that any steps the Executive or designee plans to take are subject to change at the Executive or designee's sole discretion.

f. All agencies, offices, or departments that are under the investigatory jurisdiction of the Inspector General but not under the jurisdiction of the County Executive shall provide responses to any recommendations made by the Inspector General in the same manner as provided in paragraph (e) of this Section. Such response shall be provided by the chairperson, executive director, chief of staff, or similar managerial position, or their designee, as may be applicable for the particular agency, office, or department.

g. Nothing in paragraphs (e) or (f) of this Section is intended to prohibit any person from asserting a legally or constitutionally recognized right or privilege.

h. The Inspector General shall cooperate with other governmental agencies to recover such costs from other entities involved in willful misconduct in regard to County funds and return said funds to the County's General Fund.

i. The Inspector General shall have the authority to issue subpoenas in accordance with Article XV of the County Charter.

j. The Inspector General shall prepare and publish on its website semiannual reports (the first of which will cover the period January 1st – June 30th and will be due in July and the second of which will cover the period July 1st – December 31st and will be due in February) concerning the work and activities of the Agency pertaining to closed investigations, including statistical information regarding the disposition of closed investigations, audits, and other reviews, and a summary of the Inspector General's recommendations and corresponding responses. The reports shall include the total number of complaints received during each reporting period, the number that required active investigation, the number that resulted in prosecution or other disciplinary actions,

and the number of investigations closed, along with the cost incurred over and above that of the cost of the salaries of the Agency.

4. **Limitations on the Inspector General's Investigative Powers and Duties.**
 - a. **No Interference with Ongoing Investigations.** The Inspector General shall not interfere with any ongoing criminal, administrative, or civil investigation or prosecution in the performance of his/her duties. If necessary, the Inspector General shall suspend all investigative activities to ensure that the Agency's actions do not interfere with any such investigations.
 - b. **Protection of Constitutional and Civil Rights.** The Inspector General shall manage the Agency and conduct all investigations in accordance with law and in a manner that protects the constitutional and civil rights of any person who is the subject of an investigation as well as the constitutional and civil rights of any potential witnesses. The Inspector General shall adopt policies and procedures to ensure that such protections are in place in conducting any investigations or performing any other function.
 - c. **Effect on Contracts.** The enactment of this Code shall not be interpreted to interfere with or change the terms of any contracts with the County in place at the time of its enactment. All contracts and contract amendments entered into on or after the effective date of this Chapter, however, shall be subject to the requirements of this Chapter. In addition to the County's powers to enforce this Code under its home rule powers, this Chapter, including all obligations by contractors, shall be considered a material term of all contracts or contract amendments entered with the County on or after the effective date of this Chapter, and all contractors shall comply with its requirements as a material term of their contracts with the County. All Inspector General inspections or investigations of a contractor shall specifically relate to a contract with the County.
 - d. **Relationship with Inspector General.** The Inspector General shall cooperate with the Department of Internal Auditing to avoid duplication of effort and to share information, so long as such sharing does not compromise an ongoing investigation. At the request of the Inspector General and with the approval of the Internal Auditor, the Department of Internal Auditing may provide services to the Inspector General for a specific investigation. The Inspector General shall not interfere with the authority of the Internal Audit Department to conduct audits pursuant to the Charter, any applicable ordinances, and any rules established by the Internal Audit Committee.
5. **Inspector General's Budget.** The Inspector General's budget shall be submitted as part of the county's biennial budget process in accordance with Article XV of the County Charter. Nothing contained herein shall be construed to prohibit the Inspector General from transmitting to the Council supplemental budget requests, which shall be reviewed and considered in the normal budgetary process.
6. **Agency's Facilities, Furniture, Equipment and Software.** The County shall exercise good faith efforts to provide the Agency with appropriately located office space and sufficient physical facilities, including office furniture, equipment, and software, commensurate with other County departments of similar size and needs.

C. Selection, Term, Qualifications, and Removal of Inspector General.

1. **Appointment of Inspector General.** The Inspector General shall be appointed by the County Executive for a term of four years subject to confirmation by Council in accordance with Article XV of the County Charter.
2. **Term of Office of Inspector General.** The term of the Inspector General shall be fixed in accordance with Article XV of the County Charter.

3. **Qualifications of Inspector General.** The qualifications of the Inspector General are specified in Article XV of the County Charter. In appointing and confirming the Inspector General, the Executive and the Council shall exercise good faith efforts to seek highly qualified candidates who have demonstrated the ability to work with local, state, and federal law enforcement agencies and who have audit-related skills and professional certifications in relevant fields.

D. **Removal.** The Inspector General may only be removed from office for cause in accordance with Article XV of the County Charter.

E. **No Classified Positions.** Nothing in this Chapter, including the removal procedures, is intended to make the position of Inspector General or any of its employees a classified employee of the County.

(Clerk's Note: Article IX of The Cuyahoga County Charter was amended by the electors on November 5, 2013 to change the name of the Human Resource Commission to the Personnel Review Commission)

(Ordinance Nos. [O2018-0013](#), Enacted 5/28/2019, Effective 5/30/2019; [O2012-0008](#), Enacted 6/26/2012, Effective 6/27/2012; [O2011-0019](#), Enacted 6/14/2011, Effective 6/16/2011)

Section 204.02 Reserved.

Chapter 205: Boards

Section 205.01 Board of Control

A. Board of Control Established

1. **Establishment:** There is, hereby, created the Cuyahoga County Board of Control, consisting of seven members identified as follows:
 - a. The Cuyahoga County Executive,
 - b. The Fiscal Officer,
 - c. The Director of Public Works,
 - d. The Director of the Department of Purchasing, and
 - e. Three members of Cuyahoga County Council, appointed by the President of Council, immediately following each Organizational Meeting of Cuyahoga County Council, who shall serve until their successors are appointed.
2. **Jurisdiction:** The Board of Control shall have jurisdiction to review, approve, or deny all of the following:
 - a. Any contract, contract amendment, change order, purchase, sale, lease, grant, loan, exemption, procedure, or any other action that requires approval by the Board of Control pursuant to Chapter 501 of Cuyahoga County Code or any other County Code provisions.
 - b. Any other contract, contract amendment, change order, purchase, sale, lease, grant,

loan, exemption, procedure, or other action that does not otherwise require approval by the County Council or Board of Control, but the County Executive determines to submit to the Board of Control for its consideration, review, and approval or denial.

c. Any other contract, purchase, sale, lease, grant made by the County, loan made by the County, or any procedure within the process of completing any such contract, purchase, sale, lease, grant, or loan for which the County Council, by Resolution or Ordinance of Council, requires approval of the Board of Control.

B. County Council Vacancies: Whenever any of the three positions on the Board of Control held by members of County Council becomes vacant, the President of County Council shall appoint another member of County Council to fill the position for the remainder of the term.

C. Executive Branch Alternates: For each of the four executive branch members of the Board of Control, the County Executive shall appoint two alternates, one of whom shall attend meetings of the Board of Control whenever that member is unable to do so. Only employees of Cuyahoga County may be appointed as alternates on the Board of Control. Each alternate appointed shall, according to the County Executive's best judgment, have the greatest responsibility and most knowledge in the area(s) of primary responsibility of the person that the alternate replaces. Alternates shall serve at the pleasure of the County Executive, and the County Executive shall appoint a new alternate in the same way as the original designation whenever an alternate position becomes vacant. Appointments of alternates by the County Executive shall not be subject to confirmation by County Council.

D. Council Alternates: At the same time that the President of Council appoints members to the Board of Control, the President of Council shall appoint at least three alternates who shall serve as a pool of alternates if any of the Council members are unavailable. Alternates shall be members or employees of County Council and shall serve until their successors are designated. The President of Council shall in the same way appoint an alternate for the remainder of the term whenever an alternate position becomes vacant.

E. Alternate Have Full Rights: Any properly appointed alternate shall have all the rights and responsibilities of a member of the Board of Control when attending a meeting on behalf of a member.

F. Officers: The County Executive shall serve as Chairperson of the Board of Control, and the Fiscal Officer shall serve as Vice Chairperson. If both the Executive and the Fiscal Officer are absent from any meeting, the Board of Control shall choose one of its members to chair that meeting. For the purposes of this section, County Executive and Fiscal Office shall include their alternates.

G. No Additional Compensation, Collective Action, and Conflicts of Interest:

1. No compensation in addition to a person's regular compensation as an employee of Cuyahoga County shall be provided for service on the Board of Control.
2. The Board of Control is a board created by law, and its members act collectively, and in their official capacities, in the award of contracts and in taking any other action. It shall not be a conflict of interest for a Board member, including the County Executive or a director of a department or an office, to advocate before the Board, deliberate on, or vote for or against a contract or any other item involving his or her department or office. It also shall not be a conflict of interest for a Council Board member to advocate before the Board,

deliberate on, or vote for or against a contract within his or her District or involving a purchase by the County Council.

H. Clerk of the Board of Control: The County Executive shall designate one staff person, who shall be the Clerk of the Board of Control, who shall publish agendas and meeting notices and record and publish minutes.

I. Weekly Meetings: The Board of Control shall meet weekly, at a regular time determined by the Board of Control.

J. Quorum: A quorum for the Board of Control shall consist of four (4) members attending personally or through their alternates.

K. Vote Required for Board of Control Actions: Except as provided in Section 501.04(A)(1)(g) of the County Code, a motion to approve or disapprove any item before the Board of Control shall require the affirmative vote of any four (4) or more members. Amendments to items before the Board of Control and parliamentary motions may be adopted by a majority of those present, provided that a quorum is present.

L. Rules of Procedure:

1. The Board of Control shall, consistent with the provisions of this Section 205.01, adopt its own rules of procedure.
2. Should any conflict arise between the rules of procedure of the Board of Control and the County Code, the requirements of County Code shall prevail.
3. The rules of the Board of Control may include procedures for the approval or preapproval of time sensitive, mission critical purchases not to exceed \$25,000.00 for any one time sensitive, mission critical purchase item.
4. Nothing in this Section shall be interpreted to prohibit the Board of Control from utilizing consent agendas.

M. Public Participation: All meetings of the Board of Control shall be open to the public and shall begin by providing time for public comment on matters that are on the agenda for that day. The Board of Control shall also provide time for public comment, either at that time or later in the meeting, on matters that may come before the Board of Control in the future. The Board of Control may also require presenters to register with the Board of Control before speaking and may set a time limit on presentations, which may be extended at the discretion of the Chairperson.

N. Agendas: The Clerk of the Board of Control shall publish the notice and agenda for each meeting on the county's website, post them at its office, and send them by electronic mail to each member of County Council no later than 6:00 p.m. on the second business day before the meeting. For each proposed contract to be considered, the agenda shall list the type of contract, a summary of the scope of work, the anticipated costs, the expected schedule of payments by fiscal year, the source(s) of funding, the anticipated start date, and the vendor's name. For agenda items other than contracts, the Board of Control shall specify in its rules what documentation shall be submitted with the request.

O. Special Meetings: The Board of Control may conduct a special meeting at a time other than its regularly scheduled time. In the event of an emergency, as determined by the County

Executive in his or her discretion, or when the County Executive determines that it is advantageous to the County to have a special meeting, the Board of Control may conduct a meeting with less notice than that required by Section 205.01(N) of the County Code. For any special or emergency meeting, in addition to the notice requirements of Section 205.01(N), the Board of Control shall also send notice to all news media organizations that request to be notified of such meetings. A meeting may be conducted with less than 24 hours notice only to respond to an emergency concerning which immediate official action is required, and the notice and agenda shall state the nature of the emergency requiring such action.

P. Minutes: The Clerk of the Board of Control shall promptly prepare and publish the minutes of each meeting of the Board of Control on the county's website, which shall in no case occur later than one week after each meeting.

Q. Executive Session: Notwithstanding the requirement in Section 205.01(M) for open meetings, the Board of Control may go into Executive Session, only to discuss one or more of the topics permitted to be discussed in Executive Session pursuant to the Ohio Open Meetings Act or any other general law permitting such Executive Session. The published agenda for any meeting at which the Board of Control goes into Executive Session must include notice of the intent to go into Executive Session and a general description of the subject matter to be discussed. Prior to going into Executive Session, the Board of Control must approve a motion to go into Executive Session. That motion must be approved by a majority of members present by roll call vote, with a quorum being present, and the motion shall state the topic(s) to be discussed in Executive Session and that no other topics may be discussed.

R. Journal: The Clerk of the Board of Control shall maintain a Journal of the Board of Control, which shall be posted on the county's website and maintained as a permanent file, which may be in an electronic format. The Journal shall include the notice, agenda, and minutes of all Board of Control meetings.

S. Public Meetings and Public Records: The Board of Control shall be subject to all state and county laws concerning public meetings and public records.

T. Deadline for Agenda Items: The Clerk of the Board of Control, in consultation with the Fiscal Officer, the Director of Public Works, and the Director of the Department of Purchasing, may set a deadline for the submission of items for the agenda by county departments for each meeting.

U. Consideration of Items Not on the Agenda: The Board of Control may, by 2/3 vote of members present, with a quorum being present, allow consideration of items not on the agenda or items submitted after the deadline for submission of items established by the Clerk of the Board of Control.

(Ordinance Nos. [O2021-0008](#), Enacted 5/25/2021, Effective 5/25/2021; [O2015-0006](#), Enacted 4/28/2015, Effective 4/29/2015; [O2011-0030](#), Enacted 7/26/2011, Effective 7/29/2011; [O2011-0014](#), Enacted 4/26/2011, Effective 5/3/2011)

Section 205.02 Repealed on 4/28/2015 by Ordinance No. [O2015-0006](#)

Section 205.03 Board of Revision

Compensation: The compensation for all Board of Revision members (other than the County Executive) shall be commensurate with the Pay Grade 13 of the County's Non-Bargaining Salary Schedule, as it may be amended from time to time, a current copy of which is attached hereto as Exhibit "A". Appointments shall be made at the minimum of the pay grade, unless a candidate possesses relevant experience and education beyond the minimum requirements of the position, in which case, based upon the recommendation of the County's Director of the Department of Human Resources, appointments may be made at any step above the minimum pay grade up to and including the mid-point of the pay range. Board of Revision members shall be entitled to all benefits offered full-time County employees, and shall be subject to such furlough policies that may be applicable to County employees.

(Ordinance No. [O2011-0005](#), Enacted 1/3/2011, Effective 1/10/2011)

Section 205.04 Cuyahoga County Emergency Services Advisory Board (CCESAB)

A. This Council hereby authorizes the bylaws be amended, to include the name of the entity be changed to the Cuyahoga County Emergency Services Advisory Board (CCESAB) and update the membership of the Board pursuant to the mandates of Ohio Revised Code 5502.26.

B. The Cuyahoga County Emergency Services Advisory Board (CCESAB) shall be an independent advisory board with the ability and authority to establish and amend its bylaws that are consistent with its stated mission and purpose, ORC 5502.26, and not inconsistent with general law. Any amendment to the bylaws that alter the membership of the board shall require the approval of the County Executive.

C. The Cuyahoga County Emergency Services Advisory Board (CCESAB) is acknowledged to be a public body subject to the open meetings laws as set forth in Ohio Revised Code 121.22.

(Ordinance No. [O2012-0027](#), Enacted 9/25/2012, Effective 9/26/2012)

Section 205.05 Regional Enterprise Data Sharing System (REDSS)

A. This Council hereby authorizes the bylaws be amended to include the renaming of the entity from the Cuyahoga Regional Information System (CRIS) Advisory Board to the Regional Enterprise Data Sharing System (REDSS) Advisory Board, and to update the membership of the Board.

B. The Regional Enterprise Data Sharing System (REDSS) Advisory Board is an independent advisory board with the ability and authority to establish and amend its bylaws that are consistent with its stated mission and purpose, the mandates of ORC 2949.093, and not inconsistent with general law. Any amendment to the bylaws that alter the membership of the board shall require the approval of the County Executive.

C. The Regional Enterprise Data Sharing System (REDSS) Advisory Board is acknowledged to be a public body subject to the open meetings laws as set forth in Ohio Revised Code 121.22.

(Ordinance No. [O2012-0028](#), Enacted 9/25/2012, Effective 9/26/2012)

Section 205.06 The Cuyahoga County Debarment Review Board

A. Establishment: There is hereby established the Cuyahoga County Debarment Review Board. It shall consist of the following five members:

1. A Chair appointed by the County Executive and confirmed by Council. The Chair shall be an elector of the County, shall be an attorney at law in good standing in the State of Ohio, and shall have at least five years' cumulative experience in either litigation or appellate practice. The term of this person shall be for three years. The initial three year term shall be appointed for a term commencing July 1, 2014 and expiring on June 30, 2017;
2. A member of the Cuyahoga County Council appointed by the Council President as soon as practicable after the enactment of Section 205.06(A)(2) of the County Code and immediately following each organizational meeting of the Cuyahoga County Council, who shall serve until his or her successor is appointed; and
3. Three residents of Cuyahoga County appointed by the County Executive and confirmed by the Cuyahoga County Council. None of these members may be an employee of Cuyahoga County while serving on the Board. These three members shall be attorneys-at-law in good standing in the State of Ohio. Subject to Council's approval, the County Executive may remove any of these three members for inefficiency, neglect of duty, malfeasance, or if they no longer qualify to serve on the Board. The term of each member shall be five years, and the terms shall be staggered so that no term expires less than one year of the expiration of any other term. No member shall serve more than two consecutive terms. Of the terms for the initial appointees, one shall be appointed for a term of five years commencing on February 1, 2013, and expiring on January 31, 2018, one shall be appointed for a term of four years commencing on February 1, 2013, and expiring on January 31, 2017, and one shall be appointed for a term of three years commencing on February 1, 2013, and expiring on January 31, 2016. All subsequent terms shall commence on February 1st of the year in which the term expires. If a vacancy occurs for any unexpired term, the vacancy shall be filled in the same manner as a regular appointment through appointment by the County Executive subject to Council's confirmation, and the new member's term shall last through the end of the unexpired term for which he or she is appointed.

B. Jurisdiction: The Cuyahoga County Debarment Review Board shall review and determine—including the powers to affirm, reverse, modify, or remand—any matters that are submitted for its consideration pursuant to the Cuyahoga County Code. Notwithstanding Section 505.03 of this Code, the Board shall have the discretion to modify the expiration date of any individual debarment period as the Board deems appropriate; provided however that no single debarment period shall exceed five years.

C. Alternates: The County officials serving on the Cuyahoga County Debarment Review Board shall have alternates appointed as follows:

1. The Debarment Review Board shall appoint one alternate who meets the qualifications set forth in Section 205.06(A)(1) of the Cuyahoga County Code to act in the place of the

Chair on the Debarment Review Board and attend meetings, with full voting rights, if the Chair is unavailable or has a conflict of interest on a matter pending before the Board.

2. The Council President shall appoint two Council members to serve as a pool of alternates to act in the place of the appointed Council member on the Debarment Review Board and attend meetings, with full voting rights, if the appointed Council member is unavailable or has a conflict of interest on a matter pending before the Board.

D. Officers: If the Chair is absent from any meeting, the Board shall choose one of its members to chair that meeting. For purposes of this section, the Chair shall include his or her alternate.

E. Compensation: All members of the Board shall serve without compensation.

F. Clerk of the Debarment Review Board: The County Executive shall designate a staff person to serve as the Clerk of the Debarment Review Board. The Clerk shall be responsible for publishing the agendas and meeting notices and shall record and publish the minutes.

G. Agendas and Meeting Notices: The Clerk of the Debarment Review Board shall publish the notice and agenda for each Board meeting on the County's web site no later than 6:00 p.m. on the second business day before the Board meeting. The Board may amend the agenda and may also consider items not on the agenda by a vote of a majority of the members present either personally or through their alternates.

H. Regular Meetings: The Debarment Review Board shall schedule regular meetings to take place at least once every two months at a determined time by the Board. If no business is pending before the Board, the Clerk of the Board may cancel any regular meeting for lack of sufficient business pending before the Board by publishing the cancellation notice on the County's web site.

I. Special Meetings: The Debarment Review Board may conduct special meetings at a time other than its regularly scheduled meeting times. In the event of an emergency as determined by the Chair, the Board may conduct a meeting with less notice than that required under Section 205.06(G) herein. For any special or emergency meeting, in addition to the notice requirements of Section 205.06(G), the Clerk of the Board shall also send notice to all news media organizations that request to be notified of such meetings.

J. Public Meetings: The meetings of the Debarment Review Board shall be open to the public. The Board shall also provide an opportunity for public comment on matters before the Board toward the beginning of the meeting. The Board may require presenters to register with the Board before speaking and may set time limits on presentations, which may be extended at the discretion of the Chair.

K. Executive Sessions: The Debarment Review Board may go into executive session to discuss and consider matters permitted to be discussed or considered in executive sessions under the Ohio Open Meetings Act. A motion to go into executive session

must state the topic(s) of the executive session and approved by a majority of the members present through a roll call vote.

L. **Minutes:** The Clerk of the Debarment Review Board shall prepare and publish the minutes of each Board meeting on the County's web site within a week of their approval.

M. **Journal:** The Clerk of the Debarment Review Board shall maintain a Journal of the Board, containing the notices, agendas, and minutes of all Board meetings. The journal may be maintained electronically through an electronic system.

N. **Quorum:** A quorum of the Debarment Review Board shall consist of three members attending personally or through their alternates.

O. **Vote Required for Board Actions:** Board action shall require the affirmative vote of any three members attending personally or through their alternates. Amendments to items before the Board and parliamentary motions may be adopted by a majority of those present, provided that a quorum is present.

P. **Rules of Procedure:** The Debarment Review Board may adopt its own Rules of Procedure.

(Ordinance Nos. [O2016-0010](#), Enacted 6/28/2016, Effective 7/1/2016; [O2015-0016](#), Enacted 12/8/2015, Effective 12/10/2015; [O2014-0031](#), Enacted 4/28/2015, Effective 4/29/2015; [O2014-0010](#), Enacted 6/10/2014, Effective 6/16/2014; [O2012-0026](#), Enacted 12/11/2012, Effective 12/13/2012)

Section 205.07 Cuyahoga County Solid Waste Management District Board

A. The Board of the Cuyahoga County Solid Waste Management District shall be composed of the County Executive, a member of Council appointed by the President of Council, and the Director of Public Works.

B. Each member of the Board of the Solid Waste Management District shall have an alternate who may attend board meetings and act in place of the board member as follows:

1. The County Executive shall designate an alternate from the Office of the County Executive to act in his or her place on the Board of the Solid Waste Management District and attend board meetings, with full voting rights, if the Executive is unavailable;
2. The Director of Public Works shall designate an alternate from the Department of Public Works to act in his or her place on the Board of the Solid Waste Management District and attend board meetings, with full voting rights, if the Director is unavailable; and
3. The President of Council shall appoint two members of Council to serve as a pool of alternates to act in place of the Council board member on the Board of the Solid Waste

Management District and attend board meetings, with full voting rights, if the member is unavailable.

C. The Board of the Solid Waste Management District shall continue to govern the operations of the District, including, but not limited to, having the final approval authority over its contracts.

(Ordinance No. [O2012-0021](#), Enacted 8/14/2012, Effective 8/20/2012)

Section 205.08 Reserved.

Section 205.09 Administrative Rules Board

A. Establishment.

1. **Establishment:** There is hereby established the Cuyahoga County Administrative Rules Board. It shall consist of the following five members:
 - a. The Director of Law;
 - b. The Director of Budget and Management;
 - c. The Deputy Law Director in charge of Risk Management; and
 - d. Two attorneys employed by the county appointed by the Director of Law for one-year terms. The Director of Law shall ensure that the two attorneys selected for these appointments have diverse legal experiences, such as differing practice areas.
2. **Jurisdiction:** The Administrative Rules Board shall perform all functions assigned to it in the Cuyahoga County Code.

B. Alternates. Alternates on the Administrative Rules Board shall be appointed as follows:

1. The Director of Law shall appoint a Deputy or other high-level attorney from the Department of Law to attend meetings of the Board as an alternate if he or she is unable to attend a meeting.
2. The Director of Budget and Management shall appoint an alternate from within the Office of Budget and Management to attend meetings if he or she is unable to attend a meeting.
3. The Director of Law shall appoint an attorney to attend meetings of the Board as an alternate if the Deputy Law Director in charge of Risk Management is unable to attend a meeting.
4. The Director of Law shall appoint an alternate for each appointed-attorney member of the Board. The appointment of alternates shall not disturb the legal-experience diversity on the Board.

C. Alternates Have Full Rights. Any properly appointed alternate shall have all the rights and responsibilities of a member of the Administrative Rules Board when attending a meeting on behalf of a member.

D. Officers. The Director of Law shall serve as Chairperson of the Administrative Rules Board. If the Director of Law is absent from any meeting, the Board shall choose one of its members to chair that meeting. For purposes of this section, the Director of Law shall

include his or her alternates.

E. No Additional Compensation, Collective Action, and Conflicts of Interest.

1. The members of the Administrative Rules Board shall not receive compensation for their service on the Board. Members of the Board shall be entitled to reimbursement of reasonable and necessary expenses incurred by them in the exercise of their duties as approved by the Director of Law from the Law Department's budget.
2. The Administrative Rules Board is a board created by law, and its members act collectively in their official capacities. It shall not be a conflict of interest for a Board member to advocate, deliberate, or vote on a matter affecting their respective department, board, agency, commission, office, or the authority.

F. Clerk of the Administrative Rules Board. The County Executive shall designate a staff person to serve as the Clerk of Administrative Rules Board. The Clerk shall be responsible for publishing the agendas and meeting notices and shall record and publish the minutes.

G. Agendas and Meeting Notices. The Clerk of the Administrative Rules Board shall publish the notice and agenda for each Board meeting on the County's web site no later than 6:00 p.m. on the second business day before the Board meeting. The Board may amend the agenda and may also consider items not on the agenda by a vote of a majority of the members present either personally or through their alternates.

H. Regular Meetings. The Administrative Rules Board shall schedule regular meetings to take place at least once a week for the first year of its operations and then at least once every two weeks thereafter. If no business is pending before the Board, the Director of Law may instruct the Clerk of the Board to cancel any regular meeting for lack of sufficient business pending before the Board by publishing the cancellation notice on the County's web site.

I. Special Meetings. The Administrative Rules Board may conduct special meetings at a time other than its regularly scheduled meeting times. In the event of an emergency as determined by the Director of Law, the Board may conduct a meeting with less notice than that required under paragraph G herein. For any special or emergency meeting, in addition to the notice requirements of paragraph G, the Clerk of the Board shall also send notice to all news media organizations that request to be notified of such meetings.

J. Public Meetings. The meetings of the Administrative Rules Board shall be open to the public. The Board shall also provide an opportunity for public comment on matters before the Board toward the beginning of the meeting. The Board may require presenters to register with the Board before speaking and may set time limits on presentations, which may be extended at the discretion of the Chairperson.

K. Executive Sessions. The Administrative Rules Board may go into executive session to discuss and consider matters permitted to be discussed or considered in executive

sessions under the Ohio Open Meetings Act. A motion to go into executive session must state the topic(s) of the executive session and approved by a majority of the members present through a roll call vote.

L. **Minutes.** The Clerk of the Administrative Rules Board shall prepare and publish the minutes of each Board meeting on the County's web site within a week of their approval.

M. **Journal.** The Clerk of the Administrative Rules Board shall maintain a Journal of the Board, containing the notices, agendas, and minutes of all Board meetings. The journal may be maintained electronically.

N. **Quorum.** A quorum of the Administrative Rules Board shall consist of three members attending personally or through their alternates.

O. **Vote Required for Board Actions.** Board action shall require the affirmative vote of any three members attending personally or through their alternates. Amendments to items before the Board and parliamentary motions may be adopted by a majority of those present, provided that a quorum is present.

P. **Rules of Procedure.** The Administrative Rules Board shall adopt its own Rules of Procedure, which shall include the deadlines for submission of requests to the Board and time deadlines for submission of written commentary on requests submitted for the Board's approval. The minimum deadline for public commentary must not be less than seven days.

(Ordinance No. [O2014-0032](#), Enacted 1/27/2015, Effective 1/29/2015)

Section 205.10 Division of Children and Family Services Advisory Board

A. The Division of Children and Family Services Advisory Board ("DCFS Board") is hereby established pursuant to O.R.C. 5153.05 as an "advisory committee on children services" and shall be comprised of up to ten members who shall provide independent perspective and feedback to the County and the Cuyahoga County Division of Children and Family Services ("DCFS") leadership. The DCFS Board shall also serve as a link between the Board and the community it serves. The DCFS Board is advisory in nature only and shall not have any decision-making authority over DCFS or the County.

B. Members of the DCFS Board must be appointed by the County Executive subject to confirmation by Cuyahoga County Council. Appointments to the DCFS Board shall be for a term of four years.

C. The DCFS Board shall elect its own chairperson and adopt bylaws.

D. The DCFS Board shall seek to further the cooperation and collaboration between the Division of Children and Family Services and other child care agencies in Cuyahoga County, and render advice to the Division on policy matters pertaining to the provisions of services to children and families. The DCFS Board shall also study the effectiveness and need for services to children and families in Cuyahoga County and encourage the gathering of information about the same population.

E. Members of the DCFS Board shall consist of organizations and client populations who obtain services through the Division. The DCFS Board shall also have among its members, individuals that have demonstrated knowledge in programs for children, such as persons from the medical community, law enforcement, educational community and parent groups.

F. The DCFS Board shall provide regular updates to the County Executive and the County Council Health, Human Services & Aging Committee.

(Ordinance No. [O2018-0007](#), Enacted 9/12/2018, Effective 9/13/2018)

Chapter 206: Commissions

Section 206.01 County Records Commission

A. Creation of County Records Commission

There is hereby created, the County Records Commission, which shall succeed and replace the current County Records Commission. The County Records Commission shall consist of the County Executive, who shall serve as chairperson, the President of County Council, the Prosecuting Attorney, the Fiscal Officer, and the Clerk of Courts of Common Pleas.

B. Appointment of Designees

Each member of the County Records Commission shall appoint one designee, an employee of his/her office who is knowledgeable about the maintenance of public records, who shall attend meetings of the County Records Commission whenever the member is unable to do so. The County Executive may appoint his or her designee from any County office or department.

C. Powers and Duties of County Records Commission

The County Records Commission shall have all the powers and perform all the duties of County Records Commissions provided for in Section 149.38 of the Ohio Revised Code, including, but not limited to, the power to recommend applications for one-time disposal of records or proposed records retention schedules to the Ohio Historical Society.

D. Rules and Procedures of the County Records Commission

The County Records Commission shall adopt its own rules and procedures, which shall be consistent with Section 149.38 of the Ohio Revised Code. Until such time as the County Records Commission adopts such rules, it shall operate under the rules of the prior County Records Commission that existed prior to the enactment of this Section of the Cuyahoga County Code.

E. Meetings of the County Records Commission

The County Records Commission shall meet at the call of the chair as often as needed to respond to proposed records retention schedules and proposed one-time disposals of records, but shall meet a minimum of once every six (6) months.

F. County Records Commission Action on Records Proposals

Within sixty (60) days after receiving a request for one-time disposal of records or a proposed records retention schedule from any office, the County Records Commission shall either approve the request and send it to the Ohio Historical Society for its consideration or return the request disapproved to the office that submitted it with a letter stating the reasons for disapproval.

(Ordinance No. [O2013-0002](#), Enacted 5/28/2013, Effective 5/31/2013)

Section 206.03 Cuyahoga County Women's Health Commission

A. Composition: The Women's Health Commission shall be composed of thirteen (13) members, including: the County Executive or the Executive's designee; the County Council President or the President's designee; the Director of Health and Human Services or the Director's designee; The President of the Metro Health System or the President's designee; and nine (9) members appointed by the County Executive and confirmed by County Council (the "Community Appointees"). The Community Appointees shall include representatives of community organizations and health providers, members of the legal community active in the defense of full reproductive rights and, where possible, individuals who have lived experience. Community Appointees shall be electors of Cuyahoga County.

1. Three (3) of the Community Appointees shall have an initial term of one (1) year; three (3) of the Community Appointees shall have an initial term of two (2) years; and three (3) of the Community Appointees shall have an initial term of three (3) years. Thereafter, all terms shall be for three (3) years.

2. Nothing in this section shall prohibit any initial appointee from being reappointed to the Women's Health Commission for additional three-year terms. If a vacancy occurs, the original appointing authority shall appoint a replacement in the same manner as the regular appointment for the unexpired term.

3. Members shall serve without compensation, except for out-of-pocket expenses, approved by the members of the Women's Health Commission.

B. Leadership and Staffing: The Women's Health Commission shall select a member to serve as Chair and shall develop and adopt its own rules of procedure, consistent with this section, the County Code, and the County Charter; provided that the member initially selected to serve as Chair shall serve in that capacity for a period of two (2) years. The Executive shall provide staff support as needed.

C. Duties: The duties of the Women's Health Commission shall include:

1. Acting as a resource for information, advice and recommendations regarding goals, strategies and programs of the County to support women's health.

2. Creating recommendations for allocating grant funding related to women's health issues.

3. Providing advice and recommendations regarding funding of programs designed to support better access to women's healthcare.

4. Meeting publicly on a quarterly basis to provide a forum for the public to offer ideas and recommendations regarding women's health.
5. Serving as a resource for crisis responses around the status of reproductive rights in the state of Ohio.

(Ordinance No. [O2024-0002](#), Enacted 3/12/2024, Effective 3/14/2024)

Section 206.04 Reserved

Section 206.05 Personnel Review Commission

A. Within 90 days of the passage of Ordinance No. O2011-0017, the County Council shall adopt an operating budget for the Personnel Review Commission. The County Executive and the Personnel Review Commission are hereby requested to present a proposed schedule of estimated revenues and proposed expenditures for this purpose.

B. Pursuant to Charter Section 9.01, Council hereby establishes a per diem rate of compensation for the members of the Personnel Review Commission in the amount of \$200.00 and a per diem at the rate of \$225.00 for the Personnel Review Commission Chairperson, a position which shall be rotated among the members every two years. The Executive Personnel Review Commission shall elect one of its members as the Chairperson and elect one of its members as Vice-Chairperson of the Personnel Review Commission at its first meeting in January on a biennial basis beginning in 2015.

(Clerk's Note: Article IX of The Cuyahoga County Charter was amended by the electors on November 5, 2013 to change the name of the Human Resource Commission to the Personnel Review Commission)

(Ordinance Nos. [O2014-0009](#), Enacted 4/8/2014, Effective 4/14/2014; [O2011-0017](#), Enacted 3/8/2011, Effective 3/15/2011)

Section 206.06 Charter Review Commission

Pursuant to Article 12, Section 12.09, of the Cuyahoga County Charter, the rules and procedures for the operation of Charter Review Commissions in Cuyahoga County are established as follows:

ARTICLE 1: STAFF SUPPORT

Rule 1A: Designation of Clerk

No later than September 1st of each year in which a Charter Review Commission is appointed, the County Executive shall designate a County employee to serve as Clerk to the Charter Review Commission.

Rule 1B: Duties of the Clerk

The duties of the Clerk of the Charter Review Commission shall be as follows:

1. Attend all meetings of the Charter Review Commission and its committees determine quorums, keep minutes of all meetings and record the votes of each member;
2. Assist the Chairperson in the preparation of the Agenda for Commission Meetings;
3. Provide required notices of meetings;
4. Ensure that a page is created and maintained on the County's website for the Charter Review Commission, which shall include the notice and agenda of each meeting of the Commission or any of its committees, the minutes of all meetings of the Commission and its committees, a copy of all proposed Charter amendments, draft reports and final reports of the Commission and its committees; a copy of these rules, and any other items that the Chairperson, the Clerk, or the Commission deem appropriate;
5. Serve as the Public Records Manager for the Commission until the Commission completes its work;
6. Transmit the final report of the Charter Review Commission to the County Council;
7. Perform any other duties that are prescribed in these rules or that the Chairperson or the Commission determines are necessary for the performance of the Commission's duties.

Rule 1C: Additional Staff Services

The County Executive shall provide the Charter Review Commission sufficient additional staff services needed to effectively perform its duties, including, but not limited to working space, office supplies, and information technology support. In the absence of the Clerk, the County Executive shall designate a Clerk Pro-Tem to perform the duties of the Clerk.

ARTICLE 2: ORGANIZATION; OFFICERS

Rule 2A: Vacancy

If a resignation or vacancy occurs within the Commission, a new appointment shall be made and confirmed as soon as is practical, using the appointment process provided for in Article 12, Section 9, of the Cuyahoga County Charter.

Rule 2B: Officers of the Commission; Terms

The officers of the Charter Review Commission shall consist of the Chairperson and Vice Chairperson, who shall serve terms equal to the duration of the current Charter Review Commission.

Rule 2C: Organizational Meeting

No later than September 15th of each year in which a Charter Review Commission is appointed, the Clerk shall call an Organizational Meeting of the Charter Review Commission, at which time the Commission shall elect one of its members as Chairperson and one other member as Vice Chairperson. The Commission may, by parliamentary motion, add additional items to the agenda for the Organizational Meeting.

Rule 2D: Clerk's Role at Organizational Meeting

The Clerk shall preside over the Organizational Meeting until the Chairperson is chosen, after which the Chairperson shall preside over the remainder of the Organizational Meeting.

Rule 2E: Election of Officers

The Chairperson and Vice Chairperson shall be elected at the Organizational Meeting. The election for Chairperson shall take place first, followed by the election for Vice Chairperson. A minimum of five (5) votes shall be required for election to either position.

Rule 2F: Duties of the Chairperson of the Charter Review Commission

The Chairperson shall preside at all meetings of the Commission, appoint the officers and members of all committees, set the agenda for meetings of the Commission, implement the public participation process, and perform all other duties, consistent with the Cuyahoga County Charter and these rules, that are necessary to lead the Commission in completing its duties.

Rule 2G: Duties of the Vice Chairperson of the Charter Review Commission The Vice Chairperson shall preside in the absence or disability of the Chairperson at all meetings of the Charter Review Commission, shall perform all the duties of the Chairperson during such absence or disability, and shall perform all other duties, consistent with the Cuyahoga County Charter and these rules, that are necessary to assist the Chairperson in the performance of his/her duties.

The Vice Chairperson shall make best efforts to attend all meetings of the Commission in order to be available to perform his/her duties.

Rule 2H: Officer Vacancy

If a vacancy occurs in the office of Chairperson, the Vice Chairperson shall become Chairperson. If a vacancy occurs in the office of Vice Chairperson, either by succession to Chairperson or for any other reason, the Chairperson shall conduct an election for Vice Chairperson at the next meeting of the Commission, using the procedure set forth in Rule 2E.

Rule 2I: Absence or Disability of Chairperson and Vice Chairperson

In the absence or disability of both the Chairperson and the Vice Chairperson, the Clerk shall conduct an election for Chairperson Pro-Tem, using the procedure set forth in Rule 3D, except that a majority of those voting shall be sufficient for election.

Rule 2J: Commission Officers Entitled to Vote

The Chairperson and the Vice Chairperson shall be entitled to vote on all matters.

ARTICLE 3: QUORUM

Rule 3A: Quorum Defined

A quorum of the Charter Review Commission shall consist of five (5) members, and a quorum of a committee shall consist of a majority of its members.

Rule 3B: Clerk to Determine Quorum

The Clerk shall determine the presence of a quorum by roll call at the beginning of each meeting of the Commission or a committee, shall announce when a quorum is present, and shall keep a record of members present.

Rule 3C: Absence of Quorum

Whenever a quorum is not present, the Commission or a committee may not conduct any business until a quorum is restored, except to adjourn, to adjourn to a future date and time, or take any other action permitted in the absence of a quorum, as provided in Robert's Rules of Order, Newly Revised.

ARTICLE 4: MEETINGS

Rule 4A: Commission to Meet at Least Monthly

The Commission shall meet at least once every calendar month until its final report is presented to County Council.

Rule 4B: Regular Meetings

Prior to the conclusion of the Organizational Meeting, the Chairperson, with the assistance of the Commission, shall determine and announce the date, place, and time of Regular Meetings of the Commission to be held in September or October, providing at least three (3) days' notice before the first meeting. Starting in October, the Chairperson, with the assistance of the Commission, shall, during any meeting before the end of that month, determine and announce the date, place, and time of Regular Meetings of the Commission to be held during the following month, providing at least three (3) days' notice before the first meeting. As soon as is practical after each announcement is made, the Clerk shall post the same information regarding the meeting on the Commission's webpage and disseminate it to the local news media, and the Clerk of County Council shall post it on the County Council's webpage. The agenda for each meeting shall be included in the original posting, if available, but may be posted and disseminated later, provided that at least twenty-four (24) hours' notice is given.

Rule 4C: Change in Time or Place of Regular Meeting

If compelling circumstances require such action, the Chairperson may change the date, time, and/or place of any Regular Meeting, provided that at least three (3) days' notice is given, using the same notification processes provided for in Rule 4B.

Rule 4D: Special Meeting

The Chairperson or any four (4) members of the Commission may call a Special Meeting of the Commission, provided that the date, place, time, and agenda of the meeting are posted and disseminated as provided for in Rule 4B with at least three (3) days' notice. Only items on the agenda may be discussed at a Special Meeting.

Rule 4E: Notice Required for Meeting to be Continued at a Later Time

The Commission may adjourn any meeting of the Commission to a designated day, time, and place. Notice of the day, time, and place at which the meeting is to be continued shall be given to all members and posted and disseminated as provided for in Rule 4B with at least three (3) days' notice, unless the meeting is to be continued at a time sooner than three (3) days, in which case notice shall be given as soon as is practical after the announcement.

Rule 4F: Agenda for Commission Meetings

The Chairperson, with the assistance of the Clerk, shall set the agenda for all meetings of the Commission.

Rule 4G: Digital Record

All meetings of the Commission and its committees shall be audiotaped and/or videotaped, and these recordings shall be preserved by the Clerk as public records.

ARTICLE 5: ORDER OF BUSINESS

Rule 5A: Order of Business

The Commission may use the following as the regular order of business for Commission meetings or may adopt its own:

1. Call to Order
2. Roll Call
3. Public Comment
4. Approval of Minutes
5. Introduction of Proposed Charter Amendments
6. Committee Reports
7. Old Business
8. New Business
9. Announcements & Miscellaneous Business
10. Adjourn

ARTICLE 6: COMMISSION WORK PRODUCT

Rule 6A: Final Report; Deadline for Submission

The final report of the Commission shall include all proposed amendments to the Cuyahoga County Charter, a discussion of the rationale for the proposed amendments, and a summary of the Commission's activities, and may include procedural recommendations relating to matters such as the timing of submission of proposed amendments. The final report shall be submitted to County Council as a single document no later than the first day of July following appointment of the Commission.

Rule 6B: Form of Submission of Proposed Charter Amendments

Proposed amendments to the County Charter shall relate only to one subject, but may affect more than one section of the Charter. All proposed amendments shall be submitted in the following form:

1. General subject of the amendment
2. Section(s) of the County Charter affected
3. Current language of sections affected
4. Intended effect and rationale of amendment
5. Exact language of the amendment, showing what language, if any, is to be deleted and what language, if any, is to be added.

Rule 6C: Vote Required for Approval of Charter Amendments

A proposed amendment must be voted upon separately and receive the affirmative vote of at least five (5) members of the Commission to be included in the main body of the final report.

Rule 6D: Minority Reports

The final report shall provide an appendix of minority reports, presenting proposed Charter amendments supported by less than a majority of the Commission. A proposed Charter amendment not approved to be included in the main body of the report shall be included in the appendix for minority reports if any two or more members sign a statement supporting the amendment and requesting its inclusion as a minority report. The supporters of a minority report may include a brief discussion of the rationale for the proposed amendment. The discussion may be edited for accuracy by the full Commission.

ARTICLE 7: PARLIAMENTARY PROCEDURE

Rule 7A: Procedural Rules Apply to Commission and its Committees

The procedural rules provided for in this article apply both to the Commission and to any of its committees, unless otherwise specified.

Rule 7B: Parliamentary Procedure Manual

The parliamentary guide for procedural issues not covered in these rules shall be Robert's Rules of Order, Newly Revised.

Rule 7C: Chairperson to Direct Meetings

All discussion in the Commission and any of its committees shall go through the Chairperson of the Commission or of the committee, respectively. The Chairperson shall control the order of speakers and shall put motions offered by members before the Commission or the committee for consideration and action.

Rule 7D: Parliamentary Motions

Parliamentary motions shall be used as provided in Rules 9E, 9F, 9G, and 9I of the Rules of Cuyahoga County Council.

Rule 7E: Vote Required for Approval

A motion to approve the Commission's final report, a proposed committee report, or a proposed amendment to the County Charter shall require a minimum of five (5) votes in the full Commission and a majority of all members of a committee. All other motions shall require a majority of those present and voting, provided that a quorum is present, unless otherwise specified in these rules.

Rule 7F: Voting Procedure

A motion to approve the Commission's final report, a committee's report, or a proposed amendment to the County Charter shall be done by roll call vote. Voting on all other matters may be done by voice vote, but the Chairperson shall insure that the Clerk is able to record the vote of every member on all matters.

Rule 7G: Amendments

All proposed amendments to a proposed charter amendment or a Commission or committee report shall be in written form, except that the Chairperson of the Commission or a committee may accept a verbal amendment that is clear, unambiguous, and may be presented in a single sentence or a few words. An amendment to a proposed charter amendment that is approved in committee does not need to be approved again by the full Commission.

Rule 7H: Duty to Vote; Recusal

Members shall vote on every question in the Commission or in committee, except when the member has recused him/herself, and except that a member may abstain from voting on a question related to the approval of minutes of a meeting at which the member was absent. A member shall recuse him/herself from voting whenever the member has a personal or monetary interest in any matter under consideration or when voting on the matter could for any reason violate state or county ethics law.

Rule 7I: Change of Vote

Prior to the announcement of the vote on any question in the Commission or in committee, any member may request to change his/her vote, and such request shall be approved by the Chairperson, except for good cause; however, no member shall be permitted to change his/her vote after the result of the vote has been declared.

ARTICLE 8: COMMITTEES

Rule 8A: Committee Structure

The commission may use a committee structure such as the following, with proposals to create new Articles in the County Charter referred to the most appropriate committee, as determined by the Chairperson of the Commission:

1. Governmental, covering the Preamble and Articles 1 through 3 of the County Charter
2. Administrative/Judicial, covering Articles 4 through 6 of the County Charter
3. Policy, covering Articles 7 through 10 of the County Charter
4. General Provisions, covering Articles 11 through 14 and the Appendix of the County Charter

The Commission may also adopt a different committee structure or operate without committees, but any committee created shall be comprised of at least three (3) members.

Rule 8B: Chairperson of the Commission to Appoint Officers and Members of Committees

The Chairperson of the Commission shall appoint the Chairperson, Vice

Chairperson, and members of each committee, but any subsequent changes to the leadership or composition of a committee shall require the approval of a majority of all members of the Commission.

Rule 8C: Participation of Members at Committee Meetings

Any member may be seated at the committee table and participate in all discussions, whether or not that member has been appointed to that committee; however, only members appointed to a committee may offer motions or vote on questions before that committee.

Rule 8D: Public Notice of Committee Meetings

Rules 4B through 4F shall also apply to committee meetings, except that the Chairperson of each committee shall set the committee's agenda and have the sole authority to call a special meeting of the committee.

Rule 8E: Work Sessions

The Commission or a committee may conduct work sessions, following the process provided for in Rule 13 of the Rules of Cuyahoga County Council.

ARTICLE 9: OPEN MEETINGS PROCEDURE

Rule 9A: Open Meetings, Public Comment

All meetings of the Commission or any of its committees shall be open to the public, be conducted only after prior public notice, include time for public comment, and comply with all other provisions of Article 12, Section 5 of the County Charter, Chapter 105 of the Cuyahoga County Code, and Ohio Revised Code Section 121.22 regarding the open public meetings.

Rule 9B: Minutes

The Clerk shall keep minutes of all meetings of the Commission and any of its committees and shall post the draft minutes on the Commission's webpage, subject to Commission or committee approval, as soon as is practical following each meeting, but in no case later than seven (7) days after the meeting. The Commission and each committee shall consider at each meeting the question of the approval of minutes from the previous meeting.

Rule 9C: Availability of Public Records

All records of the Commission or any of its committees that relate to public business shall be available to the public as public records as required in Article

12, Section 6 of the County Charter, Chapter 106 of the Cuyahoga County Code, and Ohio Revised Code Section 149.43. The Clerk shall serve as Public Records Manager for the duration of the Commission, after which the Clerk of County Council shall perform this role.

Rule 9D: Filming, Taping, and Recording

Any person may film, tape, or record any meeting of the Commission or any of its committees, provided that the filming, taping, or recording is done in a manner that does not significantly interfere with the conduct of the meeting. Anyone who wishes to film, tape, or record any meeting of the Commission or any of its committees is requested to notify the Clerk prior to the start of the meeting.

Rule 9E: Decorum

The Chairperson, with the approval of the Commission, may establish rules to insure decorum at meetings, including but not limited to rules relating to the respectful presence of the public and the use of audible communication devices.

Rule 9F: Public Participation Process

Not later than the 15th day of October following formation of the Charter Review Commission, the Chairperson shall prepare and begin implementation of a comprehensive public participation plan, including, but not limited to the following:

Public hearings held at various locations throughout the county, conducted as part of both the committee phase and the full Commission's consideration of the committee reports;

Widest possible dissemination of proposed Charter amendments and draft reports in both written and electronic form combined with processes for receiving public input concerning them; and

Regularly updated availability on the Commission's webpage of the current form of all proposed Charter amendments and draft Commission and committee reports.

Rule 9G: Charter Amendment Proposals to be Available on Website

The Clerk shall ensure that the Commission's page on the County's website contains all proposed Charter amendments that have been submitted to the Commission. A proposed amendment shall be in the form provided for in Rule 6B to be included on the website. If a proposed amendment is substantively

changed, both the original and revised versions shall be included.

Proposed Charter amendments may be submitted to the Commission by any member of the Commission at any Commission meeting or at any committee meeting which covers the subject of the proposed amendment.

Proposed amendments may also be submitted to the Commission by any member of the public by letter to the Clerk or by presentation at any meeting of the Commission or of the committee which covers the subject of the proposed amendment.

ARTICLE 10: AMENDMENT AND SUSPENSION OF RULES

Rule 10A: Amendment of Rules

These rules may be amended with the approval of five (5) or more members of the Commission and confirmation by majority vote of County Council. A proposed amendment to these rules may be voted on at the same meeting of the Commission at which it is introduced only if the text of the proposed amendment is included in the published agenda for the meeting. As soon as is practical following approval of a proposed rules amendment by the Commission, the Clerk shall notify the Clerk of County Council by letter of the amendment. The notification may be in electronic format. If County Council does not act on the proposed amendment within fourteen (14) days after the Clerk of County Council is notified of the amendment approved by the Commission, then the amendment shall be deemed confirmed. Any amendment adopted under this rule shall apply only to the Commission at which it was adopted.

Rule 10B: Suspension of Rules

Any of these rules may be suspended by a vote of 2/3 of those present and voting at the applicable meeting of the Commission or any of its committees, provided that a quorum is present, and that the action taken is in compliance with the Constitution and general law of the State of Ohio and the Charter, ordinances, and resolutions of Cuyahoga County.

(Ordinance Nos. [O2015-0002](#), Enacted 3/10/2015, Effective 4/10/2015); [O2012-0003](#), Enacted 3/27/2012, Effective 5/2/2012)

Section 206.07 Districting Commission

A. Pursuant to Article 3, Section 4, Subsection 3 of the Charter of Cuyahoga County, which provides that with regard to redistricting of County Council districts, the County Council may establish additional criteria for the Council Districting Commission to use for the purpose of drawing district boundaries, the County Council hereby establishes the following additional criterion:

1. After the Council Districting Commission has determined new County Council Districts, the Commission shall provide district numbers for the new council districts so that the largest possible number of new districts have the same district number as the former district having the largest number of residents in the new district.

(Ordinance No. [O2011-0025](#), Enacted 6/14/2011, Effective 6/16/2011)

Section 206.08 Reserved.

Section 206.09 County Equity Commission

A. **Composition:** To oversee the County's equity efforts, there shall be a Cuyahoga County Equity Commission consisting of the Directors of Development, Human Resources, Health and Human Services, Procurement & Diversity, and Public Safety and Justice Services, or their respective designees. The County shall use its internal resources to assist the Equity Commission with data collection and analysis.

B. **Leadership and Staffing:** The County Executive shall designate a Chairperson of the Commission and shall provide staff resources sufficient for the Commission to fulfill its duties.

C. **Duties:** The Commission's duties shall include:

1. Developing and implementing a system for the collection of baseline equity data relating to the domains and goals/values of this equity plan
2. Developing equity plan objectives, after collection of baseline data and completion of a disparity study
3. Assisting departments and agencies in developing and implementing equity plans, including objectives, measurement of outcomes, and revision of objectives when needed. When feasible, the Commission shall collaborate with county boards and commissions in developing and implementing equity plans.
4. Coordinating with the Citizens' Advisory Council on Equity
5. Developing and implementing a plan for community outreach on equity
6. Maintaining a page on the County's website to provide information on its activities
7. Issuing an Annual Equity Report not later than January 31.

(Ordinance Nos. [O2021-0008](#), Enacted 5/25/2021, Effective 5/25/2021; [O2012-0014](#), Enacted 8/14/2012, Effective 8/20/2012)

Section 206.10 County Monument Commission

A. Cuyahoga County Monument Commission Established.

1. To encourage and promote a diverse and representative cultural environment for and on behalf of the citizens and visitors of Cuyahoga County through appropriate memorialization of significant persons, communities, and historic events, as well as to provide the opportunity to further enrich such citizenry through public monuments, the Cuyahoga County Monument Commission is hereby established.

B. Definitions. As used in this section:

1. "Monument" shall mean any statuary, sculpture, fountain, garden, mural, nameplate, marker, park land, works of art, and other symbolic forms of public art erected to commemorate famous or notable persons, communities or historic events;
2. "Person(s)" shall mean an individual, corporation, business trust, estate, trust, partnership, limited liability company, association, joint venture, governmental agency, public corporation, or other legal or commercial entity;
3. "Donation" shall mean any monument or any monetary amount designated for the construction and maintenance of a monument;
4. "Loan" shall mean a deposit of property that is not accompanied by a transfer of title to the property;
5. "Ordinary Expenses" shall mean costs associated with operations, maintenance, and minor repairs of a monument;

C. Purpose of Monument Commission.

1. The purpose of the Monument Commission is to ensure that if new Monuments are erected on Cuyahoga County property, and that when existing Monuments are restored, renovated, enhanced, and/or repaired, such actions shall be taken in accordance with rules and procedures established by the Commission. The Commission reviews all proposals for new Monuments to be erected and existing Monuments to be restored, renovated, enhanced and/or repaired in accordance with rules and procedures established by the Commission.

D. Composition and Qualifications of Monument Commission Members.

1. The Monument Commission shall be composed of seven voting members, each of whom shall be an elector of Cuyahoga County.
2. The Commission shall include a representative of the County Planning Commission, a representative of the County Department of Public Works, and a member of the County Council to be determined by the President. The remaining four positions on the Commission shall be individuals who have demonstrated a significant interest in studying the arts or local history.
3. The Commission shall designate a chairperson, and other necessary officers, by a majority vote.

E. Appointment Process.

1. Other than the member of Council, each Commission member shall be appointed by the County Executive and confirmed by the County Council.

F. Commission Member Terms.

1. The term of office for each Commission member shall be three years.
2. Terms of office for other than the Council member, shall commence upon the date specified in the motion proposing confirmation by Council.
3. Of the initial terms for Commission membership, four members shall be appointed to full terms and three members shall be appointed to half terms.
4. Commission membership shall be a non-compensated position, but members shall be entitled to reimbursement for reasonable expenses in connection with Commission duties.

G. Commission Member Resignation.

1. If a Commission member, other than a Council member, should resign, the County Executive shall appoint, subject to the approval of County Council, a replacement Commission member to fulfill the remainder of the vacated term.

H. Monument Commission Rules. The Commission shall be responsible for establishing rules and procedures governing Cuyahoga County Monuments. Such rules shall include guidelines, criteria, and procedures for considering monument proposals, approval of monument designs and locations, acceptance of monuments and donations, whether as gifts or loans, financial responsibility, insurance, and other costs. The Commission shall include any other rules it deems necessary for carrying out its purposes.

I. Approval of Monument Designs. In approving Monument design, the Commission shall establish standard criteria which shall include, but not be limited to, size, safety, suitability, and sustainability.

J. Approval of Monument Locations. In approving Monument locations, the Commission shall establish standard criteria which shall include, but not be limited to, safety, space constraints, pedestrian and traffic flow, and historical significance of the site.

K. Requirement of Necessary Permitting and Permissions. Unless otherwise negotiated, the donor(s) of or applicants for a monument, whether new or renovated or repaired, are solely responsible for obtaining all necessary permits from the requisite County Departments and other governmental entities and to coordinate with the requisite entity to ensure that no utilities are damaged during installation and/or repairs.

L. Donations.

1. The County may accept donations upon a vote of the Commission.

2. When a Monument is donated to the County, the donor must provide all funds for the planning, installation, and other incidental expenses of the monument unless otherwise negotiated prior to acceptance.

M. Loaning a Monument.

1. The County may accept a Monument on loan upon a vote of the Commission.
2. The County may accept Monuments on loan from a person, but, prior to acceptance, the County shall negotiate all financial outlays for the cost of planning, installation, maintenance, and removal.

N. Financial Liability for Monuments. Unless otherwise negotiated, the lender of a Monument shall provide full insurance for the Monument. Unless otherwise negotiated, the donor of a Monument shall provide funds sufficient for upkeep and to obtain the proper insurance coverage for a time to be determined by the Commission. In the event that a Monument is destroyed, rendered irreparable, or financially impracticable to replace, the Commission shall make all determinations in regards to replacement, movement, or closure of the Monument.

(Ordinance No. [O2013-0022](#), Enacted 11/26/2013, Effective 12/2/2013)

Section 206.11 Cuyahoga County Archives Advisory Commission

A. Definitions. As used in this section:

1. "Historical Records" shall mean all information, regardless of media, created by County entities and preserved because of ongoing value and which may also be referred to as "Archives";
2. "Access" shall mean the ability to obtain, examine, and or retrieve all public records in an efficient and convenient manner;
3. "Public Programming" shall mean the structure and components of certain programs that assist in facilitating the outreach efforts of the Cuyahoga County Archives.

B. There is hereby established the Cuyahoga County Archives Advisory Commission. The Archives Advisory Commission shall have the following powers and duties:

1. To promote the identification and preservation of Cuyahoga County's historical records by identifying the necessary resources and raising the visibility of the Archives;
2. To ensure availability of Cuyahoga County's historical records by identifying facilities that meet best standards for archival preservation and, which may easily be accessed by the citizens of Cuyahoga County;
3. To raise awareness of the historical value and significance of Cuyahoga County's historical records through effective public programming;
4. To recommend the appropriate practices, policies and procedures to bridge the gap between technological efficiencies and historical competencies;

5. To encourage best practices that align with the standards of a modern archival administration and are in accordance with the terms as defined by the Society of American Archivists.

C. Qualifications and Composition of Archives Advisory Commission Members.

1. The general qualifications of the members of the Archives Advisory Commission shall be determined by the postsecondary education in History, Library Science, Genealogy or related field, experience in archival facilities or related area, and a working knowledge of relevant software.
2. The Archives Advisory Commission shall be composed of nine voting members, with the County Archivist providing general organizational support, which include five appointed electors of the County and the following ex officio members:
 - a. Chief Information Officer or designee;
 - b. Director of Public Works or designee;
 - c. A member of County Council as determined by the President of Council;
 - d. Clerk of Council.

D. Appointment Process and Qualification.

1. All Commission members not serving in an ex officio capacity shall be an elector of the County and shall be appointed by the County Executive and confirmed by the County Council.

E. Commission Member Terms.

1. The term of office for each appointed Commission member shall be four years.
2. The term of office of each appointed member shall commence upon the date specified in the confirmation resolution approved by Council.
3. With regard to the initial terms of appointed Commission members, three members shall be appointed to full terms and two members shall be appointed to half terms.
4. Commission membership shall be a non-compensated position, provided however, that members shall be entitled to reimbursement for reasonable expenses incurred in connection with performing Commission duties with the approval of the Director of Public Works.

F. Officers and Terms of Office.

The Archives Advisory Commission shall elect a Chair, a Vice-Chair, and a Secretary. The term of each Officer shall be one year or until his/her successor takes office. The Commission shall determine a Chair by a majority vote. Officers shall be elected annually at the first organizational meeting of each year and shall take office immediately upon election.

G. Commission Member Resignation.

If an appointed Commission member should resign, the County Executive shall appoint, subject to confirmation by Council, a replacement Commission member to fulfill the remainder of the unexpired term.

H. Archives Advisory Commission Rules.

The Commission shall be responsible for recommending the rules and procedures governing the maintenance of historical records and archives of Cuyahoga County. Such rules shall encompass guidelines, criteria, and best practices for identifying, preserving and providing access to the historical records of Cuyahoga County and advisory oversight of the resources necessary for the maintenance of the facility housing the County's historical records. The Commission shall make any other recommendations it deems necessary for carrying out its purposes.

I. Approval of Access.

In approving access to the historical records and archives, the Commission shall recommend the standard criteria and guidelines to facilitate public access and staffing accommodations, including, but not limited to, reference desks, database management, scanning and copying, and appropriate space design.

(Ordinance No. [O2014-0028](#), Enacted 10/14/2014, Effective 10/15/2014)

Section 206.12 Cuyahoga County Planning Commission

A. The Cuyahoga County Planning Commission, established pursuant to section 713.22 of the Revised Code, shall be composed of the following members:

1. Eight members appointed by the County Executive and confirmed by Council in accordance with section 713.22 of the Revised Code and the County Charter. To ensure the geographic diversity of the county is represented, the County Executive shall endeavor to appoint one chief elected official from each one of the following County Planning Commission planning regions, as defined by the County Planning Commission bylaws:
 - a. Chagrin/Southeast Region
 - b. Cleveland Region
 - c. Cuyahoga Region
 - d. Heights Region
 - e. Hillcrest Region
 - f. Southcentral Region
 - g. Southwest Region
 - h. Westshore Region
2. The County Executive; and
3. Two members of the County Council appointed by the President of Council.

B. Alternates to the County Planning Commission shall be residents of the county and shall be designated in the same manner as the designation of alternates as provided in section 713.22 of the Revised Code.

C. Paragraphs (A) and (B) shall not terminate or otherwise affect the term of those

members serving on the County Planning Commission as of the effective date of this section.

(Ordinance Nos. [O2023-0015](#), Enacted 10/10/2023, Effective 11/9/2023; [O2015-0005](#), Enacted 4/29/2015, Effective 4/29/2015)

Section 206.13: Commission on Human Rights

A. Establishment of a Commission on Human Rights. A County Commission on Human Rights is hereby established (“Commission”). The purpose of the Commission shall be to promote principles of diversity, inclusion, and harmony in the County of Cuyahoga through education, community events, the provision of advice to the Cuyahoga County Council (“Council”) and Cuyahoga County Executive (“Executive”), and through receiving and resolving Complaints filed under this Title.

B. Composition. The Commission shall consist of three (3) members appointed by the Executive subject to confirmation by the Council. As a quasi-judicial body, the members of the Commission shall be composed of attorneys licensed to practice in the State of Ohio. Members of the Commission shall serve without compensation but may be reimbursed for their reasonable expenses incurred in the performance of their duties.

C. Term. Beginning in January 2021, one of the three persons appointed to the Commission shall serve for a term of 12 months or until a successor is appointed, one of the three persons appointed to the Commission shall serve for 24 months or until a successor is appointed, and one of the three persons appointed to the Commission shall serve for 36 months or until a successor is appointed. Thereafter persons appointed to the Commission shall serve as members for 24 months. No person shall serve as a member of the Commission for more than two consecutive 24-month terms.

The Commission shall elect a chairperson. The chairperson shall serve for a term of 24 months. The Commission may designate the same member to serve as the chairperson of the Human Rights Commission for a second term of 24 months or until a successor is appointed.

D. Meetings of Commission; Quorum. The Commission shall meet quarterly and at such other times as the chairperson directs. A simple majority of the members of the Commission shall constitute a quorum for the transaction of business.

E. Vacancy; Removal.

1. A member of the Commission may be removed by an affirmative vote of the other members if he or she has unexcused absence at two or more regular meetings of the Commission during any calendar year.
2. In the event of such vacancy, death, resignation, or removal of any person either as member or chairperson, the successor shall be appointed by the Executive to serve the unexpired term for which such person had been so appointed. A person appointed to an unexpired term pursuant to this section may, in addition, serve two consecutive terms.

F. Governance. The Commission shall formulate its own rules and procedures in accordance with the rules and procedures as set forth in Title 15. The Commission may create volunteer Task

Forces, Advisory Councils, or Sub-Committees as it deems appropriate.

G. Budget. There shall be a line item in the County's Budget to cover the operating expenses of the Commission, including staff salaries.

H. Functions and Responsibilities. The functions and responsibilities of the Commission shall include the following:

1. Receive and investigate complaints under Title 15.
2. Provide all required notices under Title 15;
3. Attempt to conciliate or mediate complaints alleging violations under Title 15;
4. Recruit, appoint, train, and supervise the professional and clerical staff for the administration and operation of this Chapter and Title 15;
5. Promote principles of diversity, inclusion, and harmony in the County of Cuyahoga through education and community events to
 - a. Foster mutual understanding and respect among all persons in the County of Cuyahoga and encourage equality of treatment for, and prevent discrimination against any group or its members;
 - b. Educate all persons residing and working in the County of Cuyahoga and, in particular, employers, landlords, educators, and business owners, about the importance of non-discrimination toward each member of the community;
 - c. Conduct investigations and studies related to the problems and effects of prejudice, intolerance, bigotry, and discrimination, and ways to prevent and eliminate them and any other studies that will aid in effectuating the general purposes and provisions of this Title. Issue publications and reports of investigations and research related to said studies;
 - d. Establish advisory-commissions from the community and/or utilize existing county boards and commissions to assist the Executive in the execution of his/her duties and functions related to outreach and education efforts. The advisory-commissions may furnish advice, gather information, and make recommendations related to community relations/discrimination prevention;
 - e. Work with federal, state and city agencies in developing educational programs, public forums, and strategies for achieving harmonious inter-group relations within the County of Cuyahoga, and to engage in other anti-discrimination activities for the promotion of equal rights and opportunities for all persons; and
 - f. Enlist the cooperation of various groups and organizations in mediation efforts, programs and campaigns devoted to preventing and eliminating prejudice, intolerance, bigotry and discrimination.
6. Submit an annual report of activities by March 1st of each Calendar Year to the Executive and the Council, which shall be published on the County's website. Such annual report shall include information for the calendar year regarding:
 - a. *Inquiries received from the public.* The information regarding inquiries received by and from the public shall include, but not be limited to:
 - i. total number of inquiries;
 - ii. number of inquiries made by limited-English proficient persons disaggregated by language;
 - iii. subject matter of inquiries disaggregated by the alleged category of unlawful discriminatory practice as set forth in this Title and the protected class of person, and
 - iv. number of inquiries resolved by pre-hearing intervention.
 - b. Complaints filed under Title 15. The information regarding Complaints filed shall include,

but not be limited to, the number of Complaints filed and shall be aggregated by:

- i. category of alleged discriminatory practice(s), as set forth under Title 15, alleged;
- ii. basis of the alleged discriminatory practice based on the protected class of the Complainant;
- iii. whether the Complaint was resolved by mediation, conciliation, or referral as set forth under Title 15; a finding of no discrimination, as set forth in Title 15; or hearing, as set forth under Title 15;
- iv. number of days the Complaint was outstanding at the time such resolution occurred; and
- v. whether a civil penalty was imposed and, if so, the dollar amount of such penalty.

I. Powers and Duties. The Commission shall enforce the provisions of this Chapter and Title 15 of this Code and any rules or regulations promulgated thereunder. The powers and duties of the Commission shall include the following:

1. Shall and have jurisdiction to review, hear, decide, and enforce final decisions rendered under Title 15 as set forth in Section 1502.05;
2. Issue subpoenas to compel the attendance of witnesses and require the production of any evidence relating to any matter under investigation and consideration under Title 15, and to take proof with respect thereto;
3. Command the production of any names of persons necessary for the investigation of any person, institution, workplace, club, or other place or provider of public accommodation under Title 15;
4. Require any person or persons who are the subject of an investigation under Title 15 to preserve such records as are in the possession of such person or persons and to continue to make and keep the type of records that have been made and kept by such person or persons in the ordinary course of business within the previous two years, which records are relevant to the determination whether such person or persons have committed unlawful discriminatory practices as defined by Title 15 with respect to activities in the County of Cuyahoga;
5. Upon a finding of discriminatory practice in violation of Title 15, issuing cease and desist order(s), assessing a civil administrative penalty against any Respondent, and taking any such further action authorized under Title 15;
6. Recommend to the Executive and to the Council, legislation to aid in carrying out the purposes of Title 15 and for the promotion of equal rights and opportunities for all persons;
7. Adopt, promulgate, amend and rescind rules and procedures necessary to carry out the purposes and provisions of Title 15;
8. Taking all necessary action in the appropriate court to secure the production of all records, documents, or other evidence necessary in carrying out the provisions of Title 15;
9. Enter into contracts for goods or services as may be reasonably necessary to fulfill the Commission's duties in accordance with the County's contracts and purchasing procedures;
10. Exercising all powers reasonable and necessary to fulfill the purpose of this Chapter and Title 15.

J. Professional and Clerical Staffs of the Commission. The Commission may appoint such professional, clerical, and other positions as may be necessary to properly carry out its duties in accordance with the budget approved by Council.

K. Executive Director; Duties.

1. The County Executive shall appoint an Executive Director to oversee the day to day activities of the Commission and to execute the policies and other actions approved by the Commission.
2. The Executive Director shall be responsible for the recruitment, selection, training, and supervision of the professional and clerical staff and shall oversee the administration and operation of the Commission.
3. The Executive Director shall attempt to conciliate or mediate complaints through the recruitment of volunteer attorneys or other persons with training in civil rights law whenever practical.

(Ordinance Nos. [O2021-0011](#), Enacted 7/20/2021, Effective 7/27/2021; [O2018-0009](#), Enacted 9/25/2018, Effective 10/27/2018)

Chapter 207: Committees

Section 207.01 Reserved.

Section 207.02 9-1-1 Consolidation Shared Services Fund Review Committee

There is hereby created a three-member Cuyahoga County 9-1-1 Consolidation Shared Services Fund Review Committee consisting of the Cuyahoga County Council President or his/her designee and two appointees by the Cuyahoga County Executive. The Committee shall be responsible for determining all eligibility and application requirements. The Committee shall perform all acts delegated to it under the Cuyahoga County Code, and it shall observe the County's Open Meeting requirements in so doing.

(Ordinance No. [O2013-0010](#), Enacted 4/9/2013, Effective 4/11/2013)

Section 207.03 Diversity and Inclusion Advisory Committee

A. There is hereby established a Cuyahoga County Diversity and Inclusion Advisory Committee to provide advice and recommendations regarding Cuyahoga County's diversity and inclusion programs and initiatives. The committee shall submit its advice and recommendation to the Director of the Office of Procurement and Diversity. The committee shall consist of the following members:

1. One representative appointed by the County Executive;
2. One representative from County Council appointed by the President of Council;
3. One representative of the Greater Cleveland Partnership's Commission on Economic Inclusion jointly appointed by the County Executive and the President of Council;
4. One representative of the Urban League of Greater Cleveland jointly appointed by the County Executive and the President of Council;
5. One representative of the Hispanic Roundtable Community Programs jointly appointed by the County Executive and the President of Council;

6. One representative of the Cleveland Building and Construction Trade Council jointly appointed by the County Executive and the President of Council;
7. One representative of the Construction Employers Association jointly appointed by the County Executive and the President of Council; and
8. Two other representatives jointly appointed by the County Executive and the President of Council

B. Appointments to the Diversity and Inclusion Advisory Committee shall be for a term of two years. The Diversity and Inclusion Advisory Committee shall elect its own chairperson.

(Clerks Note: Previous Section 207.03 College Program Savings Account Committee was repealed by Ordinance No. [O2015-0008](#) on 6/9/2015)

(Ordinance Nos. [O2021-0008](#), Enacted 5/25/2021, Effective 5/25/2021; [O2016-0006](#), Enacted 4/26/2016, Effective 5/27/2016)

Section 207.04 Technical Advisory Committee

Under the direction of the Chief Information Officer, there shall be a Technical Advisory Committee (“TAC”), whose membership shall consist of the major service areas of the County of Cuyahoga as determined by the Chief Information Officer, including a representative of the Cuyahoga County Board of Elections, a representative of the Cuyahoga County Common Pleas Court and a representative of the Cuyahoga County Prosecutor. The TAC shall provide input into the determination of information technology standards and procurement.

(Ordinance No. [O2012-0012](#), Enacted 6/12/2012, Effective 6/14/2012)

Chapter 208: Other Established Entities

Section 208.01 Citizens' Advisory Council on Equity

A. **Composition:** The Citizens' Advisory Council on Equity shall be first appointed in July of 2020 to obtain community input on the full range of equity issues in Cuyahoga County, and on an ad hoc basis as may be necessary to support the work of the County Executive, County Council, Equity Commission and/or Human Rights Commission, and shall be composed of fifteen (15) County residents, appointed by the Executive, and confirmed by Council, of which not more than three (3) may be employees of Cuyahoga County, and two (2) County residents, appointed by the County Council President, of which either or both may be employees of Cuyahoga County. Members shall each serve a staggered term of three years after the initial July 2020 appointments. Five members from the County Executive's initial July 2020 appointees shall serve for a one year term, five members shall serve for a two year term, and five members shall serve for a three year term. The initial two members appointed by the County Council President shall serve a three year term. All appointees thereafter shall serve for three year terms. If a vacancy occurs, the original appointing authority shall appoint a replacement in the same manner as a regular appointment for the unexpired term. The County Executive and the Council shall use good faith efforts to reflect the diversity of the people of the County in appointing the members of the Citizens' Advisory Council on Equity. Members will serve without compensation, except for actual expenses.

B. **Leadership and Staffing:** The Citizens' Advisory Council on Equity shall choose its own leaders and develop its own rules of procedure, consistent with this section, other County ordinances, and the County Charter. The Executive shall provide staff support as needed.

C. **Duties:** The duties of the Citizens' Advisory Council on Equity shall include:

1. Acting as a resource for information and advice for the Equity Commission and the Human Rights Commission
2. Encouraging community outreach and public participation in the development of equity goals, strategies and programs
3. Providing recommendations and input to the Executive and Council regarding the development of equity goals, strategies and programs
4. Meeting publicly on a quarterly basis to provide a forum for the public to offer ideas and recommendations regarding equity

5. Upon completing its work and at such other times as may be appropriate, the Citizens' Advisory Council on Equity shall provide a report of findings and recommendations for policies and programs from the Advisory Council and collected from the public regarding equity to the Executive and the Council. This report shall also be made available to the public online.

(Ordinance Nos. [O2020-0018](#), Enacted 10/27/2020, Effective [O2020-0014](#), Enacted 7/21/2020, Effective 8/1/2020; [O2019-0002](#), Enacted 3/12/2019, Effective 3/18/2019; [O2015-0007](#), Enacted 3/24/2015, Effective 4/25/2015; [O2012-0014](#), Enacted 8/14/2012, Effective 9/19/2012)

Section 208.02 Reserved.

Section 208.03 Cuyahoga County Healthier Buckeye Council

A. A Cuyahoga County Healthier Buckeye Council is hereby established.

B. All members of the Economic Development Commission established pursuant to Cuyahoga County Charter Section 7.04 who meet the requirements of Ohio Revised Code Section 355.02 shall be members of the Cuyahoga County Healthier Buckeye Council. To the extent the Economic Development Commission deems it necessary, it is authorized to form an ad hoc committee and otherwise carry out the duties and responsibilities of local healthier buckeye councils as set forth in Ohio Revised Code Chapter 355. The Chairperson of the ad hoc committee shall serve as the staffing agent for the Cuyahoga County Healthier Buckeye Council.

(Ordinance No. [O2015-0015](#), Enacted 1/12/2016, Effective 1/13/2016)

Section 208.04 Cuyahoga County Diversion Board

A. Establishment. There is, hereby, created the Cuyahoga County Diversion Board.

B. Composition: The Diversion Board shall first be appointed in March 2021 and shall be composed of nine (9) members, four (4) appointed by the Executive, two (2) appointed by the Council President, one (1) by the Cuyahoga County Prosecutor, one (1) by the Cuyahoga County Public Defender, and one (1) by the Administrative and Presiding Judge of the Common Pleas Court General Division. No more than two (2) of the six (6) members appointed by the Executive and Council President may be employees of Cuyahoga County. The appointing authorities shall use good faith efforts to reflect the diversity of the people of the County in appointing the members of the Board. The four (4) members appointed by the County Executive shall be confirmed by the County Council.

1. Members shall each serve three-year terms.
 - a. Two (2) of the four (4) members appointed by the Executive shall have an initial term of three (3) years, and two (2) of the four (4) members appointed by the Executive shall have an initial term of one (1) year.
 - b. One (1) of the two (2) members appointed by the Council President shall have an initial term of three (3) years and one (1) of the two (2) members shall have an initial term of one (1) year.
 - c. The three (3) members appointed by the Cuyahoga County Prosecutor, the Cuyahoga County Public Defender, and the Administrative and Presiding Judge of the Common Pleas Court General Division shall have an initial term of two (2) years.

Thereafter, all terms shall be for three (3) years.

2. Nothing in this section shall prohibit any initial appointee from being reappointed to the Diversion Board for a three-year term. If a vacancy occurs, the original appointing authority shall appoint a replacement in the same manner as the regular appointment for the unexpired term.
3. Members shall serve without compensation, except for out of pocket expenses, approved by the Board.

C. Leadership and Staffing: The Diversion Board shall select a member to serve as Chair and shall choose and develop its own rules of procedure, consistent with this section, other County ordinances, and the County Charter; provided that the member selected to serve as Chair shall serve in that capacity for a period of three (3) years. The Executive shall provide staff support as needed.

D. Duties: The duties of the Diversion Board shall include:

1. Acting as a resource for information and advice for the Diversion Operator, crisis intervention training teams and crisis response teams.
2. Encouraging community outreach and public participation in the goals and strategies of the center.
3. Providing recommendations and input to the Executive and County Council regarding the development of goals, strategies and programs.
4. Meeting publicly on a quarterly basis to provide a forum for the public to offer ideas and recommendations regarding the center.
5. Issue an annual report of findings and recommendations for policies by Jan. 31st each year using the data and metrics collected from the Diversion Center. This report shall also be made available to the public online.
6. Encourage Hospitals, Mental Health providers and Substance abuse providers to be resources for the Board.

(Ordinance No. [O2021-0001](#), Enacted 2/23/2021, Effective 2/23/2021)

Section 208.05 Cuyahoga County Advisory Council on Women's Health

A. Composition: The Advisory Council on Women's Health shall be composed of thirteen (13) members, including: the County Executive or the Executive's designee; the County Council President or the President's designee; the Director of Health and Human Services or the Director's designee; The President of the Metro Health System or the President's designee; and nine (9) members appointed by the County Executive and confirmed by County Council (the "Community Appointees"). The Community Appointees shall include representatives of community organizations and health providers, members of the legal community active in the defense of full reproductive rights and, where possible, individuals who have lived experience. Community Appointees shall be electors of Cuyahoga County.

1. Three (3) of the Community Appointees shall have an initial term of one (1) year; three (3) of the Community Appointees shall have an initial term of two (2) years; and three (3) of the Community Appointees shall have an initial term of three (3) years. Thereafter, all terms shall be for three (3) years.
2. Nothing in this section shall prohibit any initial appointee from being reappointed to the Advisory Council on Women's Health for a three-year term. If a vacancy occurs, the original appointing authority shall appoint a replacement in the same manner as the regular appointment for the unexpired term.
3. Members shall serve without compensation, except for out of pocket expenses, approved by the Advisory Council on Women's Health members.

B. Leadership and Staffing: The Advisory Council on Women's Health shall select a member to serve as Chair and shall develop and adopt its own rules of procedure, consistent with this section, the County Code, and the County Charter; provided that the member initially selected to serve as Chair shall serve in that capacity for a period of two (2) years. The Executive shall provide staff support as needed.

C. Duties: The duties of the Advisory Council on Women's Health shall include:

1. Acting as a resource for information, advice and recommendations regarding goals, strategies and programs of the County to support women's health.
2. Creating recommendations for allocating grant funding related to women's health issues.
3. Providing advice and recommendations regarding funding of programs designed to support better access to women's healthcare.
4. Meeting publicly on a quarterly basis to provide a forum for the public to offer ideas and recommendations regarding women's health.
5. Serving as a resource for crisis responses around the status of reproductive rights in the state of Ohio.

(Ordinance No. [O2023-0016](#), Enacted 11/14/2023, Effective 11/20/2023)

Title 3: Employment Practices

- [Chapter 301: Personnel Review Commission](#)
- [Chapter 302: Personnel Policies & Procedures](#)
- [Chapter 303: Civil Service Plan](#)
- [Chapter 304: Ohio Public Employees Retirement System Contributions](#)
- [Chapter 305: Cuyahoga County Non-Bargaining Classification Plan](#)
- [Chapter 306: Prohibition on Consideration of Criminal Conviction for Employment](#)
- [Chapter 307: Compensation of Elected County Officials](#)

Chapter 301: Personnel Review Commission

Section 301.01 Powers and Duties

Pursuant to Article IX of the County Charter, the Personnel Review Commission shall have the following functions:

A. 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;

B. for administration of countywide compliance with federal and state laws regarding personnel matters within the County Executive's organization and departments;

C. For the County Executive's organization and departments, authority to ensure:

1. Pay equity for like positions;
2. Standardization of benefits;
3. Approval of qualifications;
4. Consistent discipline;
5. Training of management in personnel practices;
6. Training of employees in job functions;
7. Training for total quality management;
8. Consistent administration of performance management system;
9. Coordination of recruitment; and
10. Compliance with ethics resolutions or ordinances as passed by the Council.

D. Responsibility for creation of rules and policies related to the Personnel Review Commission's authority set forth in the Charter in accordance with the human resources policies established in the County Code;

E. Responsibility for administering a clear, countywide classification and salary administration system; and

F. Such other functions as may be deemed necessary by the Council for the Commission to carry out its mission and purpose, as provided in other provisions of this Code.

(Ordinance Nos. [O2022-0009](#), Enacted 11/9/2022, Effective 11/17/2022; [O2022-0003](#), Enacted 5/24/2022, Effective 5/25/2022; [O2014-0029](#), Enacted 10/14/2014, Effective 10/15/2014; [O2012-0034](#), Enacted 1/8/2013, Effective 1/10/2013; [O2011-0034](#), Enacted 9/13/2011, Effective 9/14/2011)

Section 301.02 Administrative Rules

The Personnel Review Commission may, in accordance with the policies and procedures set forth in this Code, adopt administrative rules and procedures to carry out its powers and duties as set forth in the County Charter and this Chapter. In the event of a conflict between the Administrative Rules of the Personnel Review Commission and Title 3, Employment Practices, the Code shall prevail.

(Ordinance Nos. [O2015-0010](#), Enacted 12/8/2015, Effective 12/10/2015; [O2014-0029](#), Enacted 10/14/2014, Effective 10/15/2014; [O2012-0034](#), Enacted 1/8/2013, Effective 1/10/2013; [O2011-0034](#), Enacted 9/13/2011, Effective 9/14/2011)

Chapter 302: Personnel Policies & Procedures

Section 302.01 Adoption of Revised Human Resources Personnel Policies and Procedures Manual

Council hereby adopts the amended version of the County's Human Resources Personnel Policies and Procedures Manual as effective for all County employees, and shall remain in force and effect and shall be followed by County employees under the authority of the County Council and the County Executive. The Department of Human Resources shall disseminate the amended manual to all employees subject to the manual in accordance with the Department's usual method of dissemination.

(Clerk's Note: A true copy of the [Human Resources Personnel Policies and Procedures Manual can be found here.](#))

(Clerk's Note: Ordinance No. O2011-0042 was repealed on 12/8/2015 by Ordinance No. [O2015-0014](#))

(Ordinance Nos. [O2024-0001](#), Enacted 3/12/2024, Effective 3/14/2024; [O2023-0017](#), Enacted 2/13/2024, Effective 2/20/2024; [O2023-0014](#), Enacted 10/10/2023, Effective 11/9/2023; [O2022-0009](#), Enacted 11/9/2022, Effective 11/17/2022; [O2022-0003](#), Enacted 5/24/2022, Effective 5/25/2022; [O2020-0004](#), Enacted 2/11/2020, Effective 2/21/2020; [O2018-0001](#), Enacted 3/27/2018, Effective 3/29/2018; [O2013-0003](#), Enacted 6/11/2013, Effective 6/13/2013; Ordinance No. [O2012-0025](#), Enacted 10/23/2012, Effective 10/24/2012; [O2012-0005](#), Enacted 8/28/2012, Effective 9/30/2012; [O2011-0061](#), Enacted 1/24/2012, Effective 1/29/2012; [O2011-0042](#), Enacted 2/14/2012, Effective 2/17/2012; [O2011-0043](#), Enacted 10/11/2011, Effective 10/12/2011; [O2011-0028](#), Enacted 6/28/2011; Effective 6/30/2011; [O2011-0015](#), Enacted 4/5/2011, Effective 4/8/2011)

Section 302.02 Administrative Rules

The Cuyahoga County Administrative Rules, adopted by the Cuyahoga County Board of Commissioners and last revised 7/23/2009, are hereby rescinded, as superseded by the Personnel Policies & Procedures Manual of the Cuyahoga County Human Resources.

(Clerk's Note: Ordinance No. O2011-0042 was repealed on 12/8/2015 by Ordinance No. [O2015-0014](#))

(Ordinance Nos. Ordinance Nos. [O2024-0003](#), Enacted 5/14/2024, Effective 5/16/2024; [O2018-0001](#), Enacted 3/27/2018, Effective 3/29/2018; [O2013-0003](#), Enacted 6/11/2013, Effective 6/13/2013; Ordinance No. [O2012-0025](#), Enacted 10/23/2012, Effective 10/24/2012; [O2012-0005](#), Enacted 8/28/2012, Effective 9/30/2012; [O2011-0061](#), Enacted 1/24/2012, Effective 1/29/2012; [O2011-0042](#), Enacted 2/14/2012, Effective 2/17/2012; [O2011-0043](#), Enacted 10/11/2011, Effective 10/12/2011; [O2011-0028](#), Enacted 6/28/2011; Effective 6/30/2011; [O2011-0015](#), Enacted 4/5/2011, Effective 4/8/2011)

Section 302.03 Electronic Equipment and Communications Policy

Section 302.03 of the Cuyahoga County Code is hereby enacted to provide for the approval and adoption of an Electronic Equipment and Communications Policy, as set forth in Exhibit A attached hereto, as effective for all County employees and shall remain in full force and effect and shall be followed by County employees under the authority of the County Council and the County Executive. The Department of Human Resources shall disseminate the policy to all employees subject to the policy in accordance with the Department's usual method of dissemination.

The Cuyahoga County Electronic Equipment and Communications Policy applicable to bargaining employees shall be effective as permitted under state law and the Collective Bargaining Agreements.

(Ordinance No. Ordinance No. [O2020-0003](#), Enacted 2/11/2020, Effective 2/21/2020)

Chapter 303: Civil Service Plan

Section 303.01

A. All sections of Ohio Revised Code Chapter 124 and Ohio Administrative Code Chapter 123:1 applicable to employees of Ohio counties that are not specifically amended or superseded by this Chapter, the Administrative Rules of the Personnel Review Commission as ratified and adopted by Council, and the County Personnel Policies and Procedures Manual as adopted by Council remain in full effect in their entirety. In the event of a conflict between the Administrative Rules of the Personnel Review Commission and Title 3, Employment Practices, the Code shall prevail. Substantive changes to the Ohio Revised Code and/or the Ohio Administrative Code as may apply to the county shall be made only through ordinance. In the event a conflict between this Title and a collective bargaining agreement, the collective bargaining agreement shall prevail.

B. Classification Plan.

1. The Personnel Review Commission shall administer, subject to approval by County Council, a clear, countywide classification and salary administration system in accordance with the requirements of Section 9.03 of the Cuyahoga County Charter. The Commission shall group positions within a classification so that the positions are similar enough in duties and responsibilities to be described by the same title, to have the same pay assigned with equity, and to have the same qualifications for selection applied. The Commission shall recommend a classification title for each classification within the classification plan. The Commission shall consider in recommending classifications and equitable pay grades, those factors deemed compensable by the County. The Commission shall describe the duties and responsibilities of the class in proposed classifications specifications, and recommend to County Council the qualifications for each position in the class.
2. The Commission shall, subject to approval by County Council, assign related classifications that form a career progression to a classification series, and shall assign each series to a job family.
3. Classification Plan Maintenance. When, the Personnel Review Commission recommends and Council determines to change the pay grade assigned to an existing classification or create a new classification, the Director of Human Resources is authorized to set the pay of affected employees, if any. Determination of pay shall not be arbitrary or capricious, or based on nepotism, political affiliation or any other factor that violates the Code of Ethics codified in Title 4 or any other County, state or federal law. Individual pay determinations shall be based on relevant factors, including direct experience performing the job functions, qualifications, the labor market, the pay of other employees assigned to the same classification, and any other factors deemed by the Director of Human Resources to be relevant to the individual case, with the relative importance of all factors to be as determined by the Director to be the most appropriate for the individual case. If funds are available, any pay rate change resulting from this process may be implemented no later than the first full pay period of the following calendar year, unless the Executive determines, in his/her discretion, to implement the

change earlier. Pay determinations by the Director under this section that do not result in a reduction in pay shall not be subject to appeal.

C. Position Audits.

1. The Director of Human Resources may initiate a position audit and, based on the results of the audit, may reassign any employee to the proper classification, as long as the employee is performing the essential job functions of the classification identified by the Director at least fifty percent (50%) of his/her time for a minimum of one hundred and twenty (120) consecutive calendar days and the employee meets the minimum qualifications for the classification.
2. Upon the request of any non-bargaining, non-probationary classified employee, the Director of Human Resources shall perform a position audit to review the employee's position for the sole purpose of determining whether the employee is properly assigned to his/her classification and, if not, to identify the proper classification. The Director of Human Resources shall give to the affected employee and to the employee's appointing authority a written notice of the Director's determination. Reassignment may only occur if the employee continues to perform essential job functions that are exclusive to another classification at least fifty percent (50%) of his/her time for a minimum of one hundred twenty (120) calendar days, and the employee meets the minimum qualifications for the classification. An employee may not request a position audit more than once in a twelve (12)-month rolling period unless approved the Director.
3. An employee who has been reassigned to a different classification through the position audit process is not required to serve a new probationary period.
4. Employees must meet the minimum qualifications of a classification to be assigned to that classification through the position audit process. The Personnel Review Commission shall, on a regular basis, audit final determinations on position audits to verify whether the employee meets the minimum qualifications for the classification to which he/she was reassigned.
5. If an employee is reassigned to a different classification through the position audit process referred to in subsections (C)(1) and (C)(2), such placement may result in the employee being reassigned to a classification in the same pay grade, a lower pay grade, or a higher pay grade. If the employee is reassigned to a classification with the same pay grade, the employee's salary shall not change. If the employee is reassigned to a classification with a lower pay grade, the employee's pay may be decreased by up to five percent (5%), or set at the new pay grade's maximum rate, whichever pay decrease is greater, and the pay decrease shall not be retroactive. If the employee is reassigned to a classification with a higher pay grade, the employee's pay may be increased by up to five percent (5%), or set at the new pay grade's minimum rate, whichever is greater, and the pay increase shall be retroactive to the first pay period following the date the audit was requested. Pay determinations of the Director under this section shall not be arbitrary or capricious. Individual pay determinations shall be based on relevant factors, including direct experience performing the job functions, qualifications, the labor market, funding, and the pay of other employees assigned to the same classification, and any other factors deemed by the Director of Human Resources to be relevant to the individual case, with the relative importance of all factors to be determined by the Director to be the most appropriate for the individual case.
6. In lieu of reassignment pursuant to subsections (C)(1) and (C)(2), the appointing authority may choose, or the Director of Human Resources may direct the appointing authority, to remove or reduce the amount of duties that are in a classification other than

the employee's, and to require the assignment of duties that are within the scope of the employee's classification, to occur no later than forty-five (45) calendar days from the date of the determination. In such case, the employee shall be compensated with up to a five percent (5%) pay increase for the temporary performance of duties in a higher-paying classification. This pay increase shall be calculated from the first full pay period following the date the audit was requested through the date the employee's duties were changed. If following the forty-five (45) calendar-day period the employee believes that he/she is still performing job duties of a different classification at least fifty percent (50%) of his/her time, the Commission shall determine whether the employee has been compensated for the performance of the duties in the higher classification, and may order that the duties be removed within a particular time frame and that the employee be compensated.

7. If an employee is assigned or reassigned to a classification through exercise of powers granted to the Director of Human Resources in subsections (C)(1), (C)(2), or (D), the Director shall give the affected employee and the employee's appointing authority written notice setting forth the Director's determination. If the assignment or reassignment results in a salary reduction, the affected employee shall be offered an opportunity to meet with the Director or designee prior to the determination becoming final. Subsequent to this meeting, or the employee's waiver of this meeting, the Director shall provide the employee and the employee's appointing authority written notice of the Director's final determination. Determination letters may be sent to employees by electronic mail to the employees' County e-mail addresses.
8. Following a final determination of the Director of Human Resources pursuant to Subsections (C)(1), (C)(2), or (D), a non-bargaining, non-probationary employee may file a written appeal with the Personnel Review Commission in accordance with the Personnel Review Commission's Administrative Rules. Employee's may also file an appeal to the limited extent authorized by (C)(6).
9. Following a determination by the Commission that a non-bargaining, non-probationary employee is performing the essential job functions exclusive to a different classification at least fifty percent (50%) of the time, in lieu of reassignment the appointing authority may choose, or the Director of Human Resources may direct the appointing authority, to remove or reduce duties as provided for in Subsection (C)(6) above.
10. Assignment of Current Employees Who Were Not Previously Classified. The Director of Human Resources may assign a County employee who has not previously been assigned to a classification in the classification plan. An employee who has received an assignment pursuant to this Subsection is not required to serve a new probationary period.

D. To ensure pay equity for like positions, the Personnel Review Commission may conduct audits of final pay determinations pursuant to (B)(3), and of final pay determination made pursuant to (C)(5) where appeal rights have expired and there is no pending appeal. When such an audit is conducted, the Department of Human Resources shall provide the Commission with the rationale and supporting documentation for the Director's final pay determination. The Commission shall provide reports on its audit findings to the Administration and County Council. Nothing in this provision shall require the Commission's audit of pay determinations within like positions to be restricted or limited solely to those employees whose pay is affected by final pay determinations as a result of maintenance of the class plan or the position audit process, but the Personnel Review Commission will not consider in its audit any employees with a pending appeal related to C (5).

124.34 - Reduction in Pay or Position - Suspension - Removal.

A. The tenure of every officer or employee in the classified service of the state and the counties, civil service townships, cities, city health districts, general health districts, and city school districts of the state, holding a position under this chapter, shall be during good behavior and efficient service. No officer or employee shall be reduced in pay or position, fined, suspended, or removed except as provided in section 124.32 of the Revised Code, and for incompetency, inefficiency, dishonesty, drunkenness, immoral conduct, insubordination, discourteous treatment of the public, neglect of duty, violation of any policy or work rule of the officer's or employee's appointing authority, violation of this chapter or the rules of the director of administrative services or the commission, any other failure of good behavior, any other acts of misfeasance, malfeasance, or nonfeasance in office, or conviction of a felony. The denial of a one-time pay supplement or a bonus to an officer or employee is not a reduction in pay for purposes of this section.

This section does not apply to any modifications or reductions in pay authorized by division (A)(2) of Section 124.14, division (O) of section 124.181 or section 124.392 or 124.393 of the Revised Code.

An appointing authority may require an employee who is suspended to report to work to serve the suspension. An employee serving a suspension in this manner shall continue to be compensated at the employee's regular rate of pay for hours worked. The disciplinary action shall be recorded in the employee's personnel file in the same manner as other disciplinary actions and has the same effect as a suspension without pay for the purpose of recording disciplinary actions.

A finding by the appropriate ethics commission, based upon a preponderance of the evidence, that the facts alleged in a complaint under section 102.06 of the Revised Code constitute a violation of Chapter 102., section 2921.42, or section 2921.43 of the Revised Code may constitute grounds for dismissal. Failure to file a statement or falsely filing a statement required by section 102.02 of the Revised Code may also constitute grounds for dismissal. The tenure of an employee in the career professional service of the department of transportation is subject to section 5501.20 of the Revised Code.

Conviction of a felony is a separate basis for reducing in pay or position, suspending, or removing an officer or employee, even if the officer or employee has already been reduced in pay or position, suspended, or removed for the same conduct that is the basis of the felony. An officer or employee may not appeal to the state personnel board of review or the commission any disciplinary action taken by an appointing authority as a result of the officer's or employee's conviction of a felony. If an officer or employee removed under this section is reinstated as a result of an appeal of the removal, any conviction of a felony that occurs during the pendency of the appeal is a basis for further disciplinary action under this section upon the officer's or employee's reinstatement.

A person convicted of a felony immediately forfeits the person's status as a classified employee in any public employment on and after the date of the conviction for the felony. If an officer or employee is removed under this section as a result of being convicted of a felony or is subsequently convicted of a felony that involves the same conduct that was the basis for the removal, the officer or employee is barred from receiving any compensation after the removal notwithstanding any modification or disaffirmance of the removal, unless the conviction for the felony is subsequently reversed or annulled.

Any person removed for conviction of a felony is entitled to a cash payment for any accrued but unused sick, personal, and vacation leave as authorized by law. If subsequently reemployed in the public sector, the person shall qualify for and accrue these forms of leave in the manner specified by law for a newly appointed employee and shall not be credited with prior public service for the purpose of receiving these forms of leave.

As used in this division, "felony" means any of the following:

1. A felony that is an offense of violence as defined in section 2901.01 of the Revised Code;
2. A felony that is a felony drug abuse offense as defined in section 2925.01 of the Revised Code;
3. A felony under the laws of this or any other state or the United States that is a crime of moral turpitude;
4. A felony involving dishonesty, fraud, or theft;
5. A felony that is a violation of section 2921.05, 2921.32, or 2921.42 of the Revised Code.

B. In case of a reduction, a suspension of more than forty work hours in the case of an employee exempt from the payment of overtime compensation, a suspension of more than twenty-four work hours in the case of an employee required to be paid overtime compensation, a fine of more than forty hours' pay in the case of an employee exempt from the payment of overtime compensation, a fine of more than twenty-four hours' pay in the case of an employee required to be paid overtime compensation, or removal, except for the reduction or removal of a probationary employee, the appointing authority shall serve the employee with a copy of the order of reduction, fine, suspension, or removal, which order shall state the reasons for the action.

An employee may appeal such order in accordance with the Rules set forth by the Personnel Review Commission. If an appeal is filed, the Personnel Review Commission shall forthwith notify the appointing authority and shall hear, or appoint a hearing officer to hear, the appeal. The Personnel Review Commission may affirm, disaffirm, or modify the judgment of the appointing authority. However, in an appeal of a removal order based upon a violation of a last chance agreement, the Personnel Review Commission may only determine if the employee violated the agreement and thus affirm or disaffirm the judgment of the appointing authority.

Either the employee or the appointing authority may appeal the decision of the

Personnel Review Commission to the Cuyahoga County Court of Common Pleas in accordance with general law.

C. (Deleted in its entirety)

D. A violation of division (A)(7) of section 2907.03 of the Revised Code is grounds for termination of employment of a nonteaching employee under this section.

E. As used in this section, “last chance agreement” means an agreement signed by both an appointing authority and an officer or employee of the appointing authority that describes the type of behavior or circumstances that, if it occurs, will automatically lead to removal of the officer or employee without the right of appeal to the state personnel board of review or the appropriate commission.

(Clerk's Note: Article IX of The Cuyahoga County Charter was amended by the electors on November 5, 2013 to change the name of the Human Resource Commission to the Personnel Review Commission)

(Ordinance Nos. [O2016-0012](#), Enacted 10/24/2016, Effective 10/25/2016; [O2015-0010](#), Enacted 12/8/2015, Effective 12/10/2015; [O2014-0035](#), Enacted 12/9/2014, Effective 12/12/2014; [O2011-0043](#), Enacted 10/11/2011, Effective 10/12/2011)

Section 303.02 Definitions

As used in Chapter 303 of the Cuyahoga County Code and the Personnel Review Commission's Rules:

A. Abolishment – Means one of the following:

1. Abolishment of Classification – The permanent deletion of a classification from the organization due to lack of continued need for the classification, due to reorganization for efficient operation, economy or lack of work, or other lawful purpose; or
2. Abolishment of Position – The permanent deletion of a position from the structure of an Appointing Authority due to lack of continued need for the position, due to reorganization for efficient operation, economy or lack of work, or other lawful purpose.

B. Appeal - An action by which an affected party challenges the decision or determination of an Appointing Authority, the Director of HR, and/or the Commission.

C. Appointment – Placement of an employee in a position.

D. Appointing Authority – Means the same as defined in Section 9.04 of the Cuyahoga County Charter.

E. Classification – Means one of the following:

1. A group of positions of sufficiently similar duties that the same title and specification may be assigned to each; or
2. The act of assigning a classification title to a position(s) based upon the duties performed.

F. Commission or PRC – The Cuyahoga County Personnel Review Commission.

G. Competitive Examination - Method used by the Commission to assess the relative capability of qualified applicants to perform the duties and responsibilities of the classification.

H. County – As defined in the Charter.

I. Demotion – The act of placing an individual in a position, at the request of an Appointing Authority or the employee, the classification for which carries a lower pay grade than that of the classification the employee currently holds.

J. Director of HR – The Director of the Cuyahoga County Human Resources Department as appointed by the County Executive and confirmed by County Council.

K. Eligibility List – A list of names established by the Commission for the purpose of filling vacancies in the classified service.

L. Ethics Policy – Title IV of the Cuyahoga County Code and any revisions thereto.

M. Human Resources Department – The Cuyahoga County Department of Human Resources.

N. Layoff – A suspension of employment due to either a lack of work or a lack of funds, or other lawful purpose.

O. Meeting – Any prearranged discussion of the public business of the PRC by a majority of its members.

P. Noncompetitive Examination – An examination that evaluates individual candidates based upon established criteria to determine which applicants are qualified to fill appointments to positions requiring exceptional qualifications of a scientific, professional, educational, or managerial character or positions where it is impractical to develop and administer competitive examinations.

Q. Pay – The annual, non-overtime compensation due an employee.

R. Pay Grade – The pay range assigned to a position or classification.

S. Position – The name that applies to a group of duties intended to be performed by an employee.

T. PRC Director - The Director of the Cuyahoga County Personnel Review Commission as appointed by the Commission.

U. Promotion – The appointment of an employee to a different position assigned a higher pay grade than the employee’s previous position.

V. Reassignment – The assignment of an employee to a different classification.

W. Reclassification – The assignment of a position to a different classification.

X. Reduction in Pay – An action that diminishes an employee’s pay. When the conditions of entitling an employee to supplemental pay end, the ending of supplemental pay shall not be considered a reduction, nor shall a change in the cost of an Appointing Authority’s insurance or other contributions be considered a reduction.

Y. Reduction in Position – An action that diminishes an employee’s duties or responsibilities to the extent an audit of the employee’s position would result in a reclassification to a classification assigned a lower pay grade.

Z. Removal – Termination of an employee’s employment.

AA. Request for Reconsideration - A request made by an affected party seeking the Commission’s reconsideration of certain pre-employment determinations made by the Commission.

AB. Request for Restoration - A request made by an affected party seeking the Commission’s consideration to restore that party to an established eligibility list. See Rule 9.05.

AC. Suspension – The interruption of an employee’s employment and compensation for a fixed period of time.

(Ordinance Nos. [O2018-0004](#), Enacted 4/10/2018, Effective 4/11/2018; [O2014-0035](#), Enacted 12/9/2014, Effective 12/12/2014)

Section 303.03 Examinations

A. General Provisions

The Cuyahoga County Personnel Review Commission shall provide for the:

1. Administration, preparation, conducting, grading, and validation of all competitive examinations for positions in the County’s classified service;
2. Evaluation of qualifications for all noncompetitive positions in the County’s classified service; and
3. Preparation and maintenance of eligibility lists containing the names, scores, and rankings of persons qualified for appointment to positions in the classified service.

B. Announcements & Applications

The Cuyahoga County Personnel Review Commission shall give reasonable notice of the time, place, and general scope of competitive examinations for positions in the County's classified civil service. Examination announcements shall be posted electronically on both the Personnel Review Commission's and Cuyahoga County's website.

Applicants for classified civil service positions shall file one application that will serve as both the request to take the examination and as the application for employment with the County.

C. Rejection of Applicants

All applications shall be reviewed by the Cuyahoga County Personnel Review Commission. Applications may be rejected for any of the following reasons:

1. It was not filed within the prescribed time period.
2. That the applicant has not met one or more of the minimum requirements of the position.
3. That the applicant has made a false statement on the application.
4. Any other just or reasonable cause that is job-related and non-discriminatory as determined by the Personnel Review Commission.

Upon rejecting any application, the Personnel Review Commission shall promptly notify the applicant of the reason for the rejection at the electronic mail address provided on the application. The applicant may, within five (5) calendar days after the date of the notice, file with the Personnel Review Commission a Request for Reconsideration. The Personnel Review Commission will not consider requests that contest the qualifications established for the position. If a request for reconsideration from a rejection is pending at the time an examination is scheduled to be held, the applicant shall be allowed to take the examination pending the resolution of the request. If after review, it is determined that the rejection is justified, the applicant's examination shall not be graded. Consideration of an applicant's request for reconsideration shall not be quasi-judicial and shall not result in a final order that entitles the applicant to an administrative appeal to the Personnel Review Commission.

D. Fraud

Fraud in examinations is prohibited and shall result in automatic disqualification. No person shall:

1. Falsely mark, grade, estimate or report upon the examination or proper standing of any person examined, registered or certified pursuant to the provisions of the civil service law, or aid in so doing;
2. Make any false representations concerning the results of such examination or concerning any person examined;
3. Furnish to another person special or secret information for the purpose of either improving or injuring the prospects or chances of another person so examined, registered or certified, or to be appointed, employed or promoted;
4. Impersonate another person, or permit or aid in any manner another person to impersonate a candidate, in connection with any examination, registration or appointment or application or request to be examined, registered or appointed;
5. Furnish false information about himself/herself, or other person, in connection with any examination, registration, or appointment or application or request to be examined (including a request for examination rescheduling or reasonable accommodation), registered or appointed;

6. Make known or assist in making known to any applicant for examination any question to be asked on such examination;
7. Acquire, through fraudulent means, any exam content or question(s) to be asked on the examination prior to the examination; or
8. Personally solicit a favor from any appointing officer, or have any person on his/her behalf solicit a favor pertaining to the testing procedures of the Personnel Review Commission.

Any person or persons attempting to deceive any of the examiners in any manner whatsoever as described above, shall be prohibited from taking any examination for employment with Cuyahoga County for a period of two (2) years. If the person is already employed by the County, such conduct shall be grounds for disciplinary action, the Personnel Review Commission shall notify the Director of HR upon learning of any such conduct.

E. Method of Grading

The method of grading, including the setting of minimum passing scores, weighting of multiple test components, rank ordering, banding, or any other consideration in determining a candidate's score on an employment test, shall be determined by the Personnel Review Commission on a test-by-test basis.

F. Military Service Credit

Any person who has been honorably discharged from the uniformed services or transferred to the reserve with evidence of satisfactory service may file with the Commission Form DD214, member copy 4 as proof of military service, and, upon verification, the person shall receive an additional credit of 5% of the maximum score for the examination, provided the candidate has received a passing grade in all phases of the examination before addition of the military service credit.

Any person in good standing of a reserve component of the armed forces of the United States who successfully completes the member's initial entry-level training may submit to the Commission proof of such completion, and, upon verification, the person shall receive an additional credit of 5% of the maximum score for the examination, provided the candidate has received a passing grade in all phases of the examination before addition of the military service credit.

As used in this Section, "uniformed services" and "reserve component" include service in the Army, Navy, Marine Corps, Air Force, Coast Guard, Army Reserve, Naval Reserve, Marine Corps Reserve, Air Force Reserve, Coast Guard Reserve, Army National Guard, Air National Guard, Commissioned Corps of the Public Health Service, or any other category of persons designated by the President in time of war or emergency.

G. Noncompetitive Examinations

For positions designated as noncompetitive, the Personnel Review Commission may suspend competition. Applicants for noncompetitive positions shall file an application, together with such proof of education, training, experience, ability and character, as shall be set forth in the examination announcement. The Personnel Review Commission shall evaluate the applications to determine if the applicants meet the minimum requirements of the class specifications for the class being examined. Following this review, an eligibility list shall be prepared including the names of all applicants who met the minimum requirements. Applicants will appear in alphabetical order.

H. Eligibility Lists

Eligibility lists shall remain in force not longer than one (1) year; however, the Personnel Review Commission may, at its discretion, extend the duration of an eligibility list.

I. Breaking Tie Grades

In the event two (2) or more candidates receive the same grade on an open competitive examination in which rank ordering is used in establishing the eligibility list, priority in the time of filing the application shall determine the order in which their names shall be placed on the eligibility list; candidates eligible for Military Service Credit shall receive priority in rank on the eligible list over non-veterans on the list with a rating equal to that of the veteran. Ties among candidates receiving Military Service Credit shall be decided by which application was filed earlier.

J. Removal from List

Upon receiving notification from the Appointing Authority, Director of HR, or the PRC Director, names may be removed from an eligibility list for the following reasons:

1. At the request of the eligible candidate.
2. After declining a conditional offer for the position.
3. After three certifications or considerations without receiving a conditional offer.
4. Failure to pass a pre-employment background check and/or drug or alcohol screen.
5. Failure to appear for an interview.
6. Inability to contact the candidate via the contact information on file with the Commission .
7. Practice or attempt to practice any deception in his or her application or in securing eligibility or appointment.
8. Any just or reasonable cause that is job-related and non-discriminatory.

For the purpose of this rule, "removal" from an eligibility list constitutes the removal of the candidate from consideration in any current or future hiring process for the life of the list. This does not mean a candidate's name will be removed from the eligibility list posted on the PRC's website. Once the eligibility list is posted on the PRC's website, it will not be modified or removed until the list expires, the list is exhausted, or the Commission must correct an error on the list.

If a current County probationary employee appears on an eligibility list for a classification that would be considered a promotion, and that employee is not eligible for promotion per the Cuyahoga County Personnel Policies and Procedures Manual, that employee will be temporarily removed from the eligibility list pending completion of the probationary period. Upon receipt of verification that the employee has successfully completed the probationary period, the employee will be reinstated to the eligibility list.

If a candidate requests removal, and the request is based on illness, military service, or conflict with schooling, that candidate may be restored for consideration when that candidate indicates renewed availability for consideration if the eligibility list is still in effect as provided in Section 303.03(H). If a candidate's name is removed for any of the other reasons set forth in this Section, the candidate may make a written request for reconsideration to the Personnel Review Commission for the restoration of his or her name to the eligibility list. Such request shall be made within five (5) calendar days of the date the notification of removal from the list was electronically mailed and shall set forth why the removal was in error, stating the reasons that would justify restoration to the list, and providing evidence of the same. The request shall be made in the manner provided by

the Administrative Rules of the Personnel Review Commission. Only requests made using the proper form and submitted by the deadline will be considered. Restoration to the eligibility list is within the sole discretion of the Personnel Review Commission. However, consideration of a candidate's request for restoration shall not be quasi-judicial and shall not result in a final order that entitles the candidate to an administrative appeal to the Personnel Review Commission.

K. Certification

1. Certification Request

Upon establishing an eligibility list, the Commission, through its staff, shall certify names to the Appointing Authority to fill the next vacancy in the classification. This certification is made to the Appointing Authority via the Department of Human Resources. For each vacancy beyond the first, the Appointing Authority, through HR, shall submit a written request for certification to the Commission's staff unless all remaining names have already been certified.

2. Number of Names to be Certified

When certifying names from an eligibility list established through competitive means, the Commission, through its staff, shall certify the names and rank of the top twenty-five percent (25%) or a minimum of ten (10) names, whichever is greater, of the candidates remaining on the eligibility list for the class to which the position is classified. When certifying names from an eligibility list established through noncompetitive means, the Commission, through its staff, shall certify all of the names remaining on the eligibility list for the class to which the position is classified.

If a name has been certified to an Appointing Authority, and sufficient justification is found to remove that name from the eligibility list per Rule 9.05 before a conditional offer has been extended from that certification, the name will be removed and a replacement name will be certified to the Appointing Authority. The replacement name will be the highest-ranked name remaining on the eligibility list that was not already certified to the Appointing Authority.

When fewer than ten (10) names remain on the eligibility list at the time a certification is made, the Commission may certify fewer than ten (10) names and a new examination may be scheduled. If all names remaining on an eligibility list have been certified to an Appointing Authority and there is sufficient justification to remove any names per Rule 9.05 such that the number of remaining names is fewer than ten (10) before a conditional offer is extended, a new examination may also be scheduled.

3. Merging New Names into an Existing Eligibility List

When a new examination is scheduled due to fewer than ten names remaining on an active eligibility list, or due to any other reason deemed necessary and appropriate by the Commission, and the results of that examination are to be posted prior to the expiration of that list, the names of those persons who pass the new examination shall be merged with those who remain on the original list.

The same examination and passing score used to establish the original eligibility list shall be used for the new examination. All candidates who pass either the original or new examination shall be placed on the eligibility list in rank order according to their examination scores. In the case of noncompetitive examinations, all candidates who met the minimum requirements of the classification during either the original or new announcement period shall appear on the eligibility list in alphabetical order. The Commission will then certify names per Rule 10.02.

Names appearing on the eligibility list are considered for the duration of the original eligibility list on which they first appeared, as described in Rule 9.02. However, those names may be extended at the discretion of the Commission, as described in Rule 9.02.

4. Certification Not More Than Three Times

A person certified from the same eligibility list three (3) times to the same Appointing Authority may be omitted from future certifications. A person is “certified,” for purposes of this section, each time a conditional offer is extended from an established eligibility list containing that person’s name.

(Ordinance Nos. [O2021-0009](#), Enacted 5/25/2021, Effective 5/25/2021; [O2018-0004](#), Enacted 4/10/2018, Effective 4/11/2018; [O2014-0035](#), Enacted 12/9/2014, Effective 12/12/2014)

Section 303.04 Classification and Compensation Plans

A. Classification Plan

The Personnel Review Commission shall administer a countywide classification plan. The classification plan shall be established and adopted by the Personnel Review Commission subject to approval by Cuyahoga County Council. The plan shall provide for the classification and standardization of all positions in the County’s classified service. The classification system will serve to organize the work performed by the County’s classified employees, and will organize positions into classifications on the basis of duties and responsibilities. All positions in the service of Cuyahoga County, except those designated as unclassified as provided by the Charter, shall be in the classified service. Appointing authorities are authorized to hire employees into the classified and unclassified service in the manner provided for in the Charter and this Code. The unclassified service shall consist of the positions specifically exempted from the classified service by general law and the Charter. Persons employed in a position in the unclassified service serve at the pleasure of the appointing authority and may be removed from their unclassified position at any time for any lawful reason. All appointing authorities shall provide quarterly reports to the Personnel Review Commission detailing appointments of classified and unclassified employees. The Department of Human Resources shall provide an annual list to the Personnel Review Commission of all current employees and their civil service status. On the date an appointing authority appoints an employee to an unclassified position, the appointing authority shall provide the employee with written information describing the nature of employment in the unclassified civil service. Within thirty days after the date an appointing authority appoints an employee to an unclassified position, the appointing authority shall provide the employee with written information describing the duties of that position. The content of any written report provided to the Personnel Review Commission and/or the failure of the appointing authority to provide the written information described in this Section to the employee or to provide the Personnel Review Commission with a written report shall not confer any additional rights upon the employee before the Personnel Review Commission or in any

other appellate body with jurisdiction over an appeal of the employee. The Director of Human Resources and the Personnel Review Commission shall collaborate to develop and provide each appointing authority with a general written description of the nature of employment in the unclassified civil service that shall be provided to employees under this section.

B. Compensation Plan

The Personnel Review Commission shall administer a compensation plan for the County's non-bargaining unit, classified employees, and shall recommend to County Council such modifications as needed to ensure the system provides for compensation based on merit and fitness and to ensure pay equity in like classifications.

(Ordinance Nos. [O2015-0010](#), Enacted 12/8/2015, Effective 12/10/2015; [O2014-0035](#), Enacted 12/9/2014, Effective 12/12/2014)

Section 303.05 Appointments

A. Original Appointments

A person who has been selected by an Appointing Authority from an eligibility list that is established by the Personnel Review Commission to fill a vacancy in the classified service is said to have received an original appointment. Those persons receiving original appointments do not become permanent employees until they have satisfied the applicable probationary period.

B. Temporary Appointments

Temporary appointments shall not exceed one hundred eighty (180) days in duration and shall be filled in the following manner:

1. Eligibility List

If an applicable eligibility list is available, the temporary appointment shall be offered to the candidates on the eligibility list, provided that the acceptance or declination of appointment to such position shall not affect the right of an eligible person to certification for appointment to a permanent position. At the expiration of the temporary appointment, which in no case shall exceed one hundred eighty (180) days, the services of the temporary employee shall be terminated and the candidate shall be restored to the eligibility list in rank order.

2. No Applicable Eligibility List

In the absence of an applicable eligibility list, the Appointing Authority may appoint a qualified person for a temporary period of service, not to exceed one hundred eighty (180) days in duration, when the need of service is urgent and necessary to prevent the loss of public property, serious inconvenience to the public, or damaging delay to the public service. In the event of a subsequent appointment to a permanent position, the temporary appointment shall not be counted as part of a probationary period. Successive temporary appointments to the same position are prohibited. Temporary appointments made necessary by reason of sickness, disability, or other approved leave of absence may exceed the 180-day limitation; however, the temporary appointment shall not continue beyond such period of sickness, disability, or other absence.

(Ordinance Nos. [O2018-0004](#), Enacted 4/10/2018, Effective 4/11/2018; [O2014-0035](#), Enacted 12/9/2014, Effective 12/12/2014)

Section 303.051 Merit Principles

Pursuant to Article 15, Section 10 of the Ohio Constitution and pursuant to Section 9.01 of the Charter, appointments, promotions, and personnel management in the civil service of the county shall be conducted according to merit and fitness. The Personnel Review Commission may adopt merit principles in its Administrative Rules to guide its work to fulfill its Charter responsibilities; provided, however, that such merit principles

shall not conflict with this Code or with state or federal law, nor shall such merit principles confer any additional legal rights upon employees of the county.

(Ordinance No. [O2017-0001](#), Enacted 6/13/2017, Effective 6/14/201)

Section 303.06 Inquiries

In furtherance of the Commission's Charter mandated duty to ensure compliance with federal, state and local employment laws, the Commission may conduct an inquiry when, upon written complaint or on its own motion, it has reason to believe that an individual is abusing the power of appointment, layoff, removal, reduction, suspension, or otherwise violating laws, rules or ordinances that the Personnel Review Commission is charged with enforcing. The Commission shall determine the procedures for conducting such inquiries and adopt such procedures in its Administrative Rules. The inquiries shall not be quasi-judicial and shall not result in a final order

that entitles the applicant to an administrative appeal to the Personnel Review Commission. The Personnel Review Commission shall make a report of its findings to the County Council.

(Ordinance No. [O2014-0035](#), Enacted 12/9/2014, Effective 12/12/2014)

Section 303.07 Subpoenas

For the purpose of adjudicating employee appeals, the Personnel Review Commission may subpoena and require the attendance and testimony of witnesses and the production of books, papers, public records, and other documentary evidence pertinent to any matter it has authority to hear.

(Ordinance No. [O2015-0010](#), Enacted 12/8/2015, Effective 12/10/2015)

Chapter 304: Ohio Public Employees Retirement System Contributions

Section 304.01

The Cuyahoga County Council hereby authorizes that effective January 1, 2013, the full amount of the statutorily required employee contributions to OPERS shall be withheld from the gross pay of each person within any of the classes established in Section 304.02 of the County Code and shall be “picked up” (assumed and paid to OPERS) by Cuyahoga County. This “pick up” by Cuyahoga County shall be designated as public employee contributions and shall be in lieu of contributions to OPERS by each person within any of the classes established in Section 304.02 of the County Code. No person subject to this “pick up” shall have the option of choosing to receive the statutorily required contribution to OPERS directly instead of having it “picked up” by Cuyahoga County or of being excluded from the “pick up.” Cuyahoga County shall, in reporting and making remittance to OPERS, report that the public employees contribution for each person subject to this “pick up” has been made as provided by the statute. Therefore, contributions, although designated as employee contributions, are employer-paid, and employees do not have the option to receive the contributions directly. All contributions are paid by the employer directly to the plan.

(Ordinance No. [O2012-0033](#), Enacted 12/11/2012, Effective 12/14/2012)

Section 304.02

The “pick up” by Cuyahoga County provided by Chapter 304 of the County Code shall apply to all persons that are employees in the classifications of Deputy Sheriff Sergeants, Deputy Sheriffs, and Deputy Lieutenants of Cuyahoga County who are or become contributing members of OPERS.

(Ordinance No. [O2012-0033](#), Enacted 12/11/2012, Effective 12/14/2012)

Section 304.03

Cuyahoga County’s method of payment of salary to employees who are participants in OPERS is hereby modified as follows, in order to provide for a salary reduction pick up of employee contributions to OPERS.

(Ordinance No. [O2012-0033](#), Enacted 12/11/2012, Effective 12/14/2012)

Section 304.04

The total salary for each employee shall be the salary otherwise payable under Cuyahoga County policies. Such total salary of each employee shall be payable by Cuyahoga County in two parts: (a) deferred salary and (b) cash salary. An employee's deferred salary shall be equal to that percentage of that employee's total salary which is required from time to time by OPERS to be paid as an employee contribution by that employee, and shall be paid by Cuyahoga County to OPERS on behalf of that employee as a pick up and in lieu of the OPERS employee contribution otherwise payable by that employee. An employee's cash salary shall be equal to that employee's total salary less the amount of the pick up for that employee, and shall be payable, subject to applicable payroll deductions, to that employee. Cuyahoga County shall compute and remit its employer contributions to OPERS based upon an employee's total salary. The total combined expenditures of Cuyahoga County for such employees' total salaries payable under applicable Cuyahoga County policies and the pick-up provisions of this resolution shall not be greater than the amounts it would have paid for those items had this provision not been in effect.

(Ordinance No. [O2012-0033](#), Enacted 12/11/2012, Effective 12/14/2012)

Section 304.05

The Fiscal Officer is hereby authorized and directed to implement the provisions of Chapter 304 of the County Code to institute the "pick-up" of the statutorily required contributions to OPERS for those persons reflected in Section 304.02 of the County Code so as to enable them to obtain the result in federal and state tax deferments.

(Ordinance No. [O2012-0033](#), Enacted 12/11/2012, Effective 12/14/2012)

Chapter 305: Cuyahoga County Non-Bargaining Classification Plan

Section 305.01 Approval of Cuyahoga County Non-Bargaining Classification Plan.

The County Council's exercise of its approval rights over the County's Non-Bargaining Classification Plan shall be accomplished by adoption of a Resolution.

(Ordinance Nos. [O2013-0016](#), Enacted 7/9/2013, Effective 7/10/2013; [O2013-0012](#), Enacted 6/11/2013, Effective 6/13/2013; [O2012-0024](#), Enacted 9/11/2012, Effective 9/12/2012; [O2012-0023](#), Enacted 9/11/2012, Effective 9/12/2012; [O2012-0016](#), Enacted 7/10/2012, Effective 7/12/2012; [O2012-0009](#), Enacted 4/10/2012, Effective 4/16/2012; [O2011-0050](#), Enacted 12/6/2011, Effective 12/8/2011; [O2011-0038](#), Enacted 9/13/2011, Effective 9/14/2011)

Section 305.02 Publication of Plan.

The Personnel Review Commission shall publish and keep up-to-date the County's complete Non-Bargaining Classification Plan on the PRC's website.

(Ordinance Nos. [O2018-0004](#), Enacted 4/10/2018, Effective 4/11/2018; [O2013-0016](#), Enacted 7/9/2013, Effective 7/10/2013; [O2013-0012](#), Enacted 6/11/2013, Effective 6/13/2013; [O2012-0024](#), Enacted 9/11/2012, Effective 9/12/2012; [O2012-0023](#), Enacted 9/11/2012, Effective 9/12/2012; [O2012-0016](#), Enacted 7/10/2012, Effective 7/12/2012; [O2012-0009](#), Enacted 4/10/2012, Effective 4/16/2012; [O2011-0050](#), Enacted 12/6/2011, Effective 12/8/2011; [O2011-0038](#), Enacted 9/13/2011, Effective 9/14/2011)

Chapter 306: Prohibition on Consideration of Criminal Conviction for Employment

Section 306.01 Removal of Criminal Background Question from Employment Application and During Initial Screening/Interview Process

- A. Cuyahoga County may not ask about criminal background on applications for County employment, whether on-line or on paper.
- B. Cuyahoga County may not inquire into the criminal background of any applicant for employment, until such time as the applicant has been offered conditional employment.
- C. Cuyahoga County will include a disclaimer on all job applications indicating that:
1. conviction of some misdemeanors and felonies may preclude applicants from serving in some county positions;
 2. aside from circumstances set forth in Section 306.02(A)(1), all job openings will require a background check at the time of
 3. conditional offers of employment; and conditional offers of employment become permanent only upon successful completion of the background check process.

(Ordinance Nos. [O2021-0018](#), Enacted 12/7/2021, Effective 12/13/2021; [O2012-0005](#), Enacted 8/28/2012, Effective 9/30/2012)

Section 306.02 Conditions Under Which the County May Consider Criminal History When Making Employment Determinations

- A. The County may inquire into and consider the criminal history of an applicant for employment:
1. Anytime in the hiring process when the County is required by state or federal law to use such criteria in making a hiring decision for certain positions or job duties, in which case the provisions of Section 306.01 shall not apply; or
 2. When not required by law to use such criteria in making a hiring decision, at the time of or once the applicant has been offered conditional employment.

B. When the County inquires into and considers the criminal history of a candidate under Section 306.02(A)(2) of the County Code, the County will apply the nexus test for each position

as required by law, including, but not limited to, considering the following criteria:

1. The nature of the offense for which the applicant was convicted.
2. The length of time that has passed since the conviction occurred.
3. The relationship of the conviction to the duties and responsibilities of the position for which the candidate is being considered for employment.
4. Any positive changes demonstrated since the conviction.

(Ordinance Nos. [O2021-0018](#), Enacted 12/7/2021, Effective 12/13/2021; [O2012-0005](#), Enacted 8/28/2012, Effective 9/30/2012)

Section 306.03 Reserved

Section 306.04 Instructions to the Department of Human Resources

The Department of Human Resources shall make whatever changes are necessary to existing human resource policies and practices to ensure compliance with Chapter 306 of the County Code by all departments, agencies, offices, boards and commissions under the direction of the County Executive or County Council.

(Ordinance No. [O2012-0005](#), Enacted 8/28/2012, Effective 9/30/2012)

Chapter 307: Compensation of Elected County Officials

Section 307.01 Compensation of Members of Council

A. Effective January 1, 2019, the annual salary of each Council member shall be \$52,000.00 and the annual salary of the President of Council shall be \$55,000.00.

B. Commencing on January 1, 2020, and every year thereafter, the annual salary of each member of Council shall be increased each year by an amount equal to the lesser of the following:

1. The average percentage increase, if any, applied to the salaries of the non-bargaining County employees within the County Executive's organization and departments;
2. The percentage increase, if any, in the consumer price index over the twelve-month period that ends on the thirtieth day of September of the immediately preceding year, rounded to the nearest one-tenth of one percent.

C. Commencing on January 1, 2020, and every year thereafter, the annual salary of the President of Council shall be \$3,000.00 greater than the salary of each member of Council.

(Ordinance No. [O2016-0003](#), Enacted 2/10/2016, Effective 3/12/2016)

Title 4: Ethics

- [Chapter 401: Compliance with State and Federal Law](#)
- [Chapter 402: Definitions](#)
- [Chapter 403: Elected Officials, Employees, and Board Members](#)
- [Chapter 404: Contractors](#)
- [Chapter 405: Lobbyists](#)
- [Chapter 406: Whistleblowers](#)
- [Chapter 407: Duties and Responsibilities](#)
- [Chapter 408: Repealed](#)
- [Chapter 409: Repealed](#)
- [Chapter 410: Repealed](#)

Chapter 401: Compliance with State and Federal Law

Section 401.01: Conflict of Law

In accordance with Section 3.09(12) of the Cuyahoga County Charter, the obligations and prohibitions in this Title shall supplement and be consistent with any and all Federal or State, rules, regulations, procedures, ordinances, and codes governing ethics, professional conduct, or conflicts of interest, and is not intended to replace, override, or otherwise pre-empt any ethical requirement under general law including, without limitation, Chapters 102, 2921, and 3517 of the Ohio Revised Code; and Chapter 124 of the Ohio Revised Code and Chapter 123 of the Ohio Administrative Code as incorporated in Chapter 303 of the County Code.

(Ordinance Nos. [O2016-0002](#), Enacted 4/26/2016, Effective 5/27/2016; [O2011-0008](#), Enacted 4/5/2011, Effective 4/8/2011; [O2011-0004](#), Enacted 1/3/2011, Effective 1/10/2011)

Chapter 402: Definitions

Section 402.01: County Ethics Policy Definitions

For the purposes of this Title, the following definitions shall apply unless otherwise provided in the Code:

A. "Appointing Authority" shall mean the County officer, director, commission, board, or body having the power of appointment to, or removal from, positions in any office, department, commission, board, or other authority of the County.

B. "Board Member" shall include members of any board, agency, commission, or authority as is or may hereafter be established by or pursuant to the Charter or County Code who are appointed or confirmed by elected officials or county officers or directors.

C. "Business Associate" shall mean any individual, company, or organization with which an individual is acting together to pursue a common business purpose, including but not limited to, partners in a partnership, co-owners of a business, an outside employer, or co-members of a Limited Liability Corporation.

D. "Contractor" shall mean any person or entity that is a party to an Agreement with the County, as defined in Section 102.01(A) of the Code.

E. "Elected Official" shall include any person holding elective office specified in, or established pursuant to, the Charter. Such Elected Officials shall include, without limitation, the County Executive, the Prosecuting Attorney, and members of County Council.

F. "Employee" shall mean any employee of Cuyahoga County including, but not limited to, any person employed, full or part time in a temporary or permanent capacity, by the County Executive, the Prosecuting Attorney, the County Council, the Personnel Review Commission, the Board of Revision, the Inspector General, and any other county agency hereafter established by or pursuant to the charter.

G. "Gift" includes any gratuity, discount, entertainment, hospitality, loan, forbearance, or other tangible or intangible item having greater than de minimis monetary value including, but not limited to, cash, food and drink, travel, or lodging.

H. "Inspector General" shall mean the Cuyahoga County Inspector General as established in Section 204.01 of this Code.

I. "Interest" shall mean a direct financial or material benefit, but does not include any benefit arising from the provision or receipt of any services generally available to a lawful class of

residents or taxpayers of the County. An individual is deemed to have an interest in any private organization when he or she, his or her spouse, or a member of his or her household, is an owner, partner, member, director, officer, employee, or owns or controls more than 5% of an organization's outstanding stock; provided however, that an individual appointed or otherwise authorized to serve on a private organization, and who solely acts on behalf of the county in his or her capacity for the private organization, shall not be deemed to have an interest in such private organization.

J. "Lobbyist" shall mean any individual employed or retained by a client to contact via private written or oral communication any County elected official, employee, or board member to influence the award of County contracts, the appointment or confirmation of any individual, or the formulation, modification, or adoption of any County legislation, regulation, or policy. A Lobbyist shall not include any individual who spends less than five percent (5%) of his or her compensated time lobbying governmental entities on behalf a specific client. "Lobbyist" shall not include anyone who performs any of the actions described in this paragraph without compensation, whose performance of such action consists solely of testimony provided at public meetings, or whose performance of such actions are an incidental and insignificant portion of one's duties.

K. "Presumption of Influence" shall mean a rebuttable presumption that a gift made to an elected official, employee, or board member constitutes a substantial and improper influence in violation of this Title. Any person may proffer evidence to rebut a presumption of influence.

L. "Relative" shall mean an individual's spouse, domestic partner, parent, grandparent step-parent, sibling, step-sibling, sibling's spouse, child, grandchild, step-child, uncle, aunt, nephew, niece, first cousin, or household member, and persons having any of these relationships to the spouse or domestic partner of said individual.

(Ordinance Nos. [O2016-0002](#), Enacted 4/26/2016, Effective 5/27/2016; [O2011-0008](#), Enacted 4/5/2011, Effective 4/8/2011; [O2011-0004](#), Enacted 1/3/2011, Effective 1/10/2011)

Chapter 403: Elected Officials, Employees, and Board Members

Section 403.01: Training

A. Every elected official, employee, and board member shall complete an ethics training program approved by the Inspector General within thirty (30) days of first assuming office. Elected officials and employees shall complete ethics training annually for every year of service with the County thereafter.

B. Upon successful completion of any ethics training program, elected officials, employees, and board members shall acknowledge, electronically or in writing, that they have read, understood, and agree to abide by the County ethics policy, including the provisions of this Title, Ohio Revised Code Chapter 102 and Ohio Revised Code Sections 2921.42 and 2921.43.

(Ordinance Nos. [O2016-0002](#), Enacted 4/26/2016, Effective 5/27/2016; [O2011-0008](#), Enacted 4/5/2011, Effective 4/8/2011; [O2011-0004](#), Enacted 1/3/2011, Effective 1/10/2011)

Section 403.02: Use and Misuse of County Resources

A. "County resources" include, but are not limited to, County personnel, money, procurement/credit cards, vehicles, equipment, materials, supplies, or other property.

B. Printing, mailing, or electronic communications of political material or conducting non-county business using county resources is prohibited.

C. No elected official, employee, or board member shall use or permit the use of County resources for personal or private purposes unless the use of County resources is de minimis or authorized by law or County policy, or the use of County resources is provided as part of his or her official compensation.

(Ordinance No. [O2016-0002](#), Enacted 4/26/2016, Effective 5/27/2016)

Section 403.03: Use and Misuse of Official Position

A. No elected official, employee, or board member shall knowingly use his or her official position or official powers and duties to secure a financial or material benefit, or promise of a financial or material benefit, for himself or herself, a relative, or any private organization in which he or she has an interest.

B. No elected official, employee, or board member shall request without offering just compensation, require, or coerce a subordinate employee to perform any task unreasonably outside the scope of his or her County employment that does not further a County interest, including the performance of any clerical or other work on behalf of the individual, his or her family, business, social, church, or fraternal interest that does not further a County interest, or the purchase of goods or services for personal, business, or political purposes. Excessive requests by a supervisor to perform tasks unreasonably outside the scope of a subordinate's County employment may constitute a violation of this Section, regardless of whether just compensation is offered.

C. No elected official, employee, or board member shall sell or agree to sell, either directly or indirectly through an entity in which he or she holds an interest, goods or services to the County, except through the County's competitive bidding process consistent with Ohio Revised Code Section 2921.42 et. seq.

D. No elected official, employee, or board member shall violate the prohibitions applicable to Ohio counties regarding public contracts pursuant to Ohio Revised Code Section 2921.42 et seq., and any public contracts awarded in violation of Ohio Revised Code Section 2921.42 shall be void and unenforceable.

E. No elected official, employee, or board member shall knowingly misrepresent his or her personal opinion to be the official position of the County. This paragraph shall not apply to statements of elected officials made in the course of fulfilling the responsibilities of, or running for, office.

F. No elected official, employee, or board member shall draw a per diem or expense monies from the County to attend a seminar, convention, or conference and then fail to attend the seminar, convention, or conference without acquiring prior approval from a direct supervisor or refunding the pro-rata unused per diem or expense monies to the County.

G. No elected official, employee, or board member shall knowingly suppress any public record.

H. No elected official, employee, or board member shall:

1. Abuse his or her authority to compel a subordinate employee to endure or participate in sexual conduct; or

2. Require or coerce a subordinate employee to accept sexual harassment or unwelcome sexual advances as a condition of employment, equal treatment, approval, or advancement.

(Ordinance No. [O2016-0002](#), Enacted 4/26/2016, Effective 5/27/2016)

Section 403.04: Conflicts of Interest

A. Whenever a matter involving the exercise of discretion comes before an elected official, employee, or board member, either individually or as a member of a body, and the individual knows or has reason to know the disposition of the matter could result in a direct financial or material benefit to himself or herself, a relative, business associate, or any private organization in which he or she has an interest, the individual shall disclose the nature of the interest to the public in an open meeting or in writing to the Inspector General, and shall recuse themselves as required by paragraph (C) and the Ohio Revised Code.

B. The disclosure required in paragraph (A) shall be made when the matter requiring disclosure first comes before the individual or when the individual first acquires knowledge of the interest requiring disclosure.

C. No elected official, employee, or board member may participate in any decision or take any official action with respect to any matter involving the exercise of discretion, including discussing the matter and voting on it, when he or she knows or has reason to know that the action could confer a direct financial or material benefit on himself or herself, a relative, or any private organization in which he or she has an interest.

D. No elected official, employee, or board member shall receive compensation from, or knowingly obtain a financial interest in, any non-County entity in exchange for any service rendered or to be rendered by him or her personally in any case, proceeding, application, or other matter which is before any County agency, department, board, commission or other authority. No person shall be required to divest themselves of a financial interest in existence at the time he or she initially assumes office or prior to the non-County entity having a matter come before the County, but recusal in accordance with subsection (C) shall be required.

E. No elected official, employee, commission, board, or body shall appoint any individual who has served the County as an elected official, employee, or board member within the preceding 12 month to any board, commission, or other governmental entity where the Ohio Attorney General's Index of Compatibility of Public Offices and Positions provides that such appointment is incompatible with the appointee's position with the County. If the Index does not address the appointment, the elected official, employee, or board member shall request the opinion of the Inspector General, and shall not make the appointment unless the Inspector General determines the positions are compatible. In the event the Inspector General is conflicted from

rendering a particular opinion, the request shall be made to the Director of Law. In the event both the Inspector General and Director of Law are conflicted from rendering a particular opinion, the request shall be made for an opinion from the Ohio Attorney General.

F. If uncertain as to whether a true conflict of interest exists, any elected official, employee, or board member may, before a matter is decided, disclose a potential conflict of interest to the Department of Law or the Inspector General, and request an opinion to determine whether the potential conflict of interest precludes the elected official, employee, or board member's participation in a particular matter.

G. No elected official, employee or board member shall be required to recuse himself or herself with respect to the following matters:

1. Adoption of the County's biennial budget as a whole; or
2. Any matter that does not involve the exercise of discretion.

(Ordinance No. [O2016-0002](#), Enacted 4/26/2016, Effective 5/27/2016)

Section 403.05: Nepotism

A. No elected official, employee, or board member, either individually or as a member of a body, may participate in any decision specifically to appoint, hire, promote, discipline, or discharge a relative for any position of the County.

B. No elected official, employee, or board member may, either individually or as a member of a body, supervise a relative in the performance of the relative's official powers and duties.

C. No public official, employee or board member shall secure any public contract in which the individual, a member of the individual's family, or any of the individual's business associates has an interest in violation of Ohio Revised Code Section 2921.42.

(Ordinance No. [O2016-0002](#), Enacted 4/26/2016, Effective 5/27/2016)

Section 403.06: Gifts

A. All individuals shall comply with the requirements and prohibitions applicable to public officials and employees, as stated in Ohio Revised Code Section 102.03.

B. No elected official, employee, or board member shall solicit or accept any gift where:

1. The gift is intended to influence the elected official, employee, or board member in the performance or non-performance of his or her official powers or duties;
2. The gift is intended as a reward for any official action on the part of the elected official, employee, or board member in violation of Ohio Revised Code Section 2921.43.

C. Presumption of influence. Subject to the exceptions listed in subsection (D), the following presumptions shall apply:

1. A gift or multiple gifts from a contractor or lobbyist within the same calendar year having an annual aggregate face value of seventy-five dollars (\$75.00) or more are presumed to influence an elected official, employee, or board member in the performance or non-performance of his or her official powers or duties.
2. A gift to an elected official, employee, or board member is presumed to be intended to influence the performance or non-performance of his or her official powers or duties when the gift is from a private person or organization that seeks County action involving the exercise of discretion by or with the participation of the individual.
3. A gift to an elected official, employee, or board member is presumed to be intended as a reward for official action when the gift is from a private person or organization that has obtained County action involving the exercise of discretion by or with the participation of the individual during the preceding twelve months.

D. Notwithstanding the provisions in subsection (B), the following gifts shall not carry a presumption of influence:

1. Gifts made to the County;
2. Gifts given on special occasions, such as marriage, illness, or retirement, which are reasonable and customary, and which do not otherwise constitute a substantial and improper influence on the recipient;
3. Meals and refreshments provided when an elected official, employee, or board member is in his or her professional capacity a speaker or participant at a job-related conference or program, and the meals and refreshments are made available to all participants;
4. Invitations to or attendance at charitable fundraisers or community events that provide meals of an ordinary character and do not include entertainment of a significant value;
5. Anything for which an elected official, employee, or board member pays face value, or at a discount available to all county employees or the general public;
6. Any campaign contribution that is otherwise lawfully received and reported under this Code and general law.

(Ordinance No. [O2016-0002](#), Enacted 4/26/2016, Effective 5/27/2016)

Section 403.07: Financial Disclosure

A. Elected officials shall file an annual disclosure statement directly with the Ohio Ethics Commission or the appropriate filing agency by the deadline prescribed by the Ohio Ethics Commission.

B. On or before April 15 of each year, the following employees shall file an annual disclosure statement with the Inspector General on the Financial Disclosure Statement form prescribed by the Ohio Ethics Commission, unless otherwise required by Ohio law to file such a statement directly with the Ohio Ethics Commission:

1. All officers and directors appointed pursuant to Article V, Section 7.03, Section 8.02, Section 9.06, Section 10.01, and Section 11.03 of the Cuyahoga County Charter;
2. Any other director-level or officer-level position of the county appointed pursuant to the County Charter or County Code, including but not limited to, directors of departments established by ordinance, Health and Human Services administrators, and the Inspector General;
3. Chief of staff and/or First Assistant to the County Executive, County Council, and County Prosecutor;
4. Deputies Chiefs or similarly titled employees within Office of the County Executive to which any county officer or director reports.
5. Board of Revision hearing officers; and
6. The Clerk of County Council.

C. Any employee appointed to occupy a position listed in subsection (B) who has not previously filed a financial disclosure statement for the year preceding his or her appointment shall file a financial disclosure statement for that year with the Inspector General within thirty (30) days of appointment to his or her new position. The requirements of this section shall also apply to any former employee or elected official of the county who, within the prior calendar year, held one or more of the positions identified in paragraph (A) or (B) of this section.

D. If the filing deadlines in paragraph (B) falls on a non-business day, the filing deadline shall be extended to the next regular business day.

(Ordinance No. [O2016-0002](#), Enacted 4/26/2016, Effective 5/27/2016)

Section 403.08: Secondary Employment

A. All elected officials and employees shall disclose the following types of secondary employment in writing to the Department of Human Resources on an official form approved by the Inspector General, and shall keep such information up to date throughout their term of employment with the County:

1. Any compensated employment or private business activity outside the elected official's or employee's primary status with the County that results in gross income required to be reported by the United States Internal Revenue Service, excluding interest income, dividends, other corporate contributions, alimony, income from life insurance or endowment, income in respect of a decedent, retirement plans, pensions and annuities, and social security, PERS, or equivalent retirement benefits; or
2. Any compensated or uncompensated fiduciary interest with an entity that receives funding from the County.

B. The Department of Human Resources shall transmit a copy of each secondary employment disclosure form to the Inspector General.

C. In the event the Inspector General determines a county employee's employment violates an express prohibition or creates a conflict of interest where mandatory recusal

would preclude the employee from performing a substantial portion of his or her job duties, the employee shall either terminate his or her secondary employment or face dismissal from service with the County. Elected officials holding secondary employment shall recuse themselves in accordance with Section 403.04.

D. Employees shall request approval from the Inspector General within thirty (30) days of accepting any secondary employment. The Inspector General may limit the type of classifications of secondary employment that require disclosure. The Inspector General shall render an opinion within fourteen (14) days of the Inspector General receiving the request from the Department of Human Resources in accordance with Section 407.01(J).

(Ordinance No. [O2016-0002](#), Enacted 4/26/2016, Effective 5/27/2016)

Section 403.09: Future Employment

A. No present or former elected official or employee shall, during public service or for twelve months thereafter, represent or act in a representative capacity for any person or organization on any matter involving the exercise of discretion by the county or any agent thereof, in which the present or former elected official or employee, personally participated in his or her capacity as a County official.

B. Elected officials and employees shall disclose to the Inspector General any employment offers, or ongoing discussions of future employment, with any entity presently dealing with the County concerning matters within the scope of the individual's current official duties.

C. This section shall not be construed as prohibiting an elected official, or employee from representing himself or herself before the County, or asserting a claim against the County on his or her own behalf, nor shall this section prohibit any individual from representing a person or organization on an uncompensated basis.

(Ordinance No. [O2016-0002](#), Enacted 4/26/2016, Effective 5/27/2016)

Section 403.10: Discrimination

No elected official, employee, or board member shall discriminate against anyone on the basis of race, religion, national origin, age, sex, gender, ethnicity, sexual orientation, gender identity and expression, disability, or genetic information.

(Ordinance No. [O2016-0002](#), Enacted 4/26/2016, Effective 5/27/2016)

Section 403.11: Political Contributions from County Employees

A. No elected official shall knowingly solicit or accept a campaign contribution from any County employee over whom he or she has appointing authority or confirmation authority, either individually or as a member of a body. No elected official shall knowingly solicit or accept a campaign contribution from an employee whose County confirmation is pending.

B. No employee shall knowingly make a campaign contribution to, or solicit funds for a campaign for public office conducted by or for their own elected employer or confirming authority. Employees shall not be prohibited from making voluntary contributions to political parties or candidates for any other public office.

C. The prohibitions of this Section shall not apply to employees or elected officials whose service with the county has terminated.

D. An elected official or employee may request an opinion from the Inspector General prior to accepting, soliciting, or making a campaign contribution. The Inspector General shall provide an opinion within fourteen (14) days of receiving the request; provided however that the Inspector General shall not be required to conduct a review of political contributions on behalf of any candidate or political campaign.

(Ordinance No. [O2016-0002](#), Enacted 4/26/2016, Effective 5/27/2016)

Section 403.12: Whistleblowers

All elected officials, employees, and board members shall have whistleblower rights and responsibilities as specified in Chapter 406 of this Code.

(Ordinance No. [O2016-0002](#), Enacted 4/26/2016, Effective 5/27/2016)

Section 403.13: Partisan Political Activity by Classified Civil Service Employees

All elected officials, employees and board members are subject to the rules regarding political activity pursuant to Ohio Revised Code Chapter 124 and Ohio Administrative Code Chapter 123, as is now or hereafter incorporated by Chapter 303 of the Cuyahoga County Code.

(Ordinance No. [O2016-0002](#), Enacted 4/26/2016, Effective 5/27/2016)

Chapter 404: Contractors

Section 404.01: Registration, Disclosure Requirements, and Training Certification

Any and all contractors shall comply with the Registration, Training, and Disclosure Requirements as provided in Chapter 501 of the County Code.

(Ordinance Nos. [O2016-0002](#), Enacted 4/26/2016, Effective 5/27/2016; [O2011-0008](#), Enacted 4/5/2011, Effective 4/8/2011; [O2011-0004](#), Enacted 1/3/2011, Effective 1/10/2011)

Section 404.02: Gifts

A. No contractor shall make a gift to an elected official, employee, or board member in violation of Ohio Revised Code Section 102.03.

B. Additionally, no contractor shall provide, pay for, or offer any gift to any elected official, employee, or board member where:

1. The gift is intended to influence the elected official, employee, or board member in the performance or non-performance of his or her official powers or duties;
2. The gift is intended as a reward for any official action on the part of the elected official, employee, or board member.

C. No contractor shall knowingly provide, pay for, or offer, any gift or multiple gifts having an annual aggregate face value of seventy-five dollars (\$75.00) or more to a person the contractor knows, or reasonably should know, is an elected official, employee, or board member of the County.

D. Presumption of influence. Subject to the exceptions listed in subsection (E), the following presumptions shall apply:

1. A gift or multiple gifts made within the same calendar year having an annual aggregate value of seventy-five dollars (\$75.00) or more are presumed to influence an elected official, employee, or board member in the performance or non-performance of his or her official powers or duties.
2. A gift to an elected official, employee, or board member is presumed to be intended to influence the performance or non-performance of his or her official powers or duties when the gift is from a private person or organization that seeks County action involving the exercise of discretion by or with the participation of the employee.
3. A gift to an elected official, employee, or board member is presumed to be intended as a reward for official action when the gift is from a private person or organization that has

obtained County action involving the exercise of discretion by or with the participation of the employee during the preceding twelve months.

E. Notwithstanding the provisions in subsection (C), the following gifts shall not carry a presumption of influence:

1. Gifts made to the County;
2. Gifts given on special occasions, such as marriage, illness, or retirement, which are reasonable and customary, and which do not otherwise constitute a substantial and improper influence on the giftee;
3. Meals and refreshments provided when an elected official, employee, or board member in his or her professional capacity is a speaker or participant at a conference or program and the meals and refreshments are made available to all participants;
4. Invitations to or attendance at charitable fundraisers or community events that provide meals of an ordinary character and do not include entertainment of a significant value;
5. Anything for which an elected official, employee, or board member, or his or her campaign committee where otherwise permitted by law, pays the face value, or at a discount available to all county employees or the general public;

F. Notwithstanding any other provision of this Section, contractors shall not be prohibited from making any campaign contribution that is otherwise lawfully made under this Code and general law.

(Ordinance No. [O2016-0002](#), Enacted 4/26/2016, Effective 5/27/2016)

Section 404.03: Discrimination

No contractor shall discriminate against anyone on the basis of race, religion, national origin, age, sex, gender, ethnicity, sexual orientation, gender identity and expression, disability, or genetic information.

(Ordinance No. [O2016-0002](#), Enacted 4/26/2016, Effective 5/27/2016)

Section 404.04: Whistleblowers

All contractors shall have whistleblower rights and responsibilities as specified in Chapter 406 of this Code.

(Ordinance No. [O2016-0002](#), Enacted 4/26/2016, Effective 5/27/2016)

Chapter 405: Lobbyists

Section 405.01: Registration, Training, and Disclosure Requirements

A. Registration. Except as provided in subsection (D), a lobbyist must register with the Inspector General as a lobbyist within thirty days after the start of lobbying activity on behalf of his or her client. Lobbyists shall re-register every four (4) calendar years. The registry application fee shall be \$100.00. Registrants shall make all required disclosures listed in subsection (B) on or before the date of registration, unless such information is explicitly exempt from disclosure by this Code or general law. The effective date of registration will be upon the completion and filing of the registration form, payment of one registration fee, and completion of ethics training. Fees collected pursuant to this section shall support the Inspector General's cost of administering the contractor and lobbyist registries.

B. Annual Disclosure Requirements. Each registered lobbyist shall disclose the following information on or before January 1 of each year:

1. The name, phone number, and address of the registered lobbyist and all of its employees or agents who engage in lobbying activities;
2. A list of all clients, including names, phone numbers, addresses, and nature of business, from whom the registered lobbyist receives compensation for engaging in lobbying activities;
3. A statement of all matters on which the registered lobbyist has lobbied for each client in the past year, or on which the registered lobbyist is contracted to lobby in the future;
4. A list of any past positions held by the registered lobbyist or any of its employees or agents as an elected official, employee, or board member of a city, county or state, and the period of time during which each individual held such position;
5. Any other information as may be required by the Inspector General.

C. Training.

1. Every lobbyist shall complete an ethics training program conducted by the Inspector General prior to engaging in any lobbying activities with the County.
2. Upon successful completion of any County ethics training program, lobbyists shall acknowledge, electronically or in writing, that they have received, read, understood, and agree to abide by the County ethics policy, including the provisions of this Title, Ohio Revised Code Chapter 102 and Ohio Revised Code Sections 2921.42 and 2921.43.
3. Ethics training certification shall expire on December 31 of the respective year that is four (4) calendar years following the date of the ethics training. A lobbyist may only renew its ethics training certification by completing a subsequent ethics training program conducted by the Inspector General. Any lobbyist who fails to renew its ethics training certification shall be removed from the registry of approved lobbyists.

D. The requirements of Section shall not apply to the following persons or entities:

1. A person who owns, publishes, or is employed by a media outlet. This subsection does not exempt persons whose relation to a media outlet is only incidental to a lobbying effort, or where a position taken or advocated by a media outlet directly affects a County policy in which the media outlet has a direct or indirect economic interest;
2. Governmental entities and their agents, provided the communications relate solely to subjects of governmental interest;
3. A not-for-profit corporation solely seeking to provide a free service, or financial or in-kind support, for a county program or initiative.
4. An attorney or other person whose contact with a County employee or elected official is made solely as part of resolving a dispute with the County, provided that the contact is solely with County employees or officials who do not vote on, or have final authority over, the policy decision.

(Ordinance Nos. [O2016-0002](#), Enacted 4/26/2016, Effective 5/27/2016; [O2011-0008](#), Enacted 4/5/2011, Effective 4/8/2011; [O2011-0004](#), Enacted 1/3/2011, Effective 1/10/2011)

Section 405.02: Gifts

A. No lobbyist shall make a gift to an elected official, employee, or board member in violation of Ohio Revised Code Section 102.03.

B. Additionally, no lobbyist shall provide, pay for, or offer any gift to any elected official, employee, or board member where:

1. The gift is intended to influence the elected official, employee, or board member in the performance or non-performance of his or her official powers or duties;
2. The gift is intended as a reward for any official action on the part of the elected official, employee, or board member.

C. No lobbyist shall knowingly provide, pay for, or offer, any gift or multiple gifts having an annual aggregate face value of seventy-five dollars (\$75.00) or more to a person the lobbyist knows, or reasonably should know, is an elected official, employee, or board member of the County.

D. Presumption of influence. Subject to the exceptions listed in subsection (E), the following presumptions shall apply:

1. A gift or multiple gifts made within the same calendar year having an annual aggregate value of seventy-five dollars (\$75.00) or more are presumed to influence an elected official, employee, or board member in the performance or non-performance of his or her official powers or duties.
2. A gift to an elected official, employee, or board member is presumed to be intended to influence the performance or non-performance of his or her official powers or duties

when the gift is from a private person or organization that seeks County action involving the exercise of discretion by or with the participation of the employee.

3. A gift to an elected official, employee, or board member is presumed to be intended as a reward for official action when the gift is from a private person or organization that has obtained County action involving the exercise of discretion by or with the participation of the elected official, employee, or board member during the preceding twelve months.

E. Notwithstanding the provisions in subsection (C), the following gifts shall not carry a presumption of influence:

1. Gifts made to the County;
2. Gifts given on special occasions, such as marriage, illness, or retirement, which are reasonable and customary, and which do not otherwise constitute a substantial and improper influence on the giftee;
3. Meals and refreshments provided when an elected official, employee, or board member is a speaker in his or her professional capacity or participant at a conference or program and the meals and refreshments are made available to all participants;
4. Invitations to or attendance at charitable fundraisers or community events that provide meals of an ordinary character and do not include entertainment of a significant value;
5. Anything for which an elected official, employee, or board member, or his or her campaign committee where otherwise permitted by law, pays the face value, or at a discount available to all county employees or the general public;

F. Notwithstanding any other provision of this Section, lobbyists shall not be prohibited from making any campaign contribution that is otherwise lawfully made under this Code and general law.

(Ordinance No. [O2016-0002](#), Enacted 4/26/2016, Effective 5/27/2016)

Section 405.03: Discrimination

No lobbyist shall discriminate against anyone on the basis of race, religion, national origin, age, sex, gender, ethnicity, sexual orientation, gender identity and expression, disability, or genetic information.

(Ordinance No. [O2016-0002](#), Enacted 4/26/2016, Effective 5/27/2016)

Section 405.04: Whistleblowers

All lobbyists shall have whistleblower responsibilities as specified in Chapter 406 of this Code.

(Ordinance No. [O2016-0002](#), Enacted 4/26/2016, Effective 5/27/2016)

Chapter 406: Whistleblowers

Section 406.01: Whistleblowers Responsibilities

A. Definitions:

1. For purposes of this Chapter, a “whistleblower” is any elected official, employee, or board member of Cuyahoga County, or any person doing business with the County, including persons receiving or seeking services from the County, or any other person who reports any violation of any county, state, or federal law, rule, or regulation, or allegations of fraud, corruption, waste, abuse, misfeasance, and/or malfeasance.
2. For purposes of this Chapter, a “whistleblower complaint” is a reporting, either written or verbal, of a matter involving allegations enumerated in Section 406.01(A)(1).
3. For purposes of this Chapter, “retaliation or retaliatory action” is any action taken or threat by an elected official, employee, board member, or appointing authority that would discourage a reasonable person from engaging in an act protected in this Whistleblower Ordinance.
4. For purposes of this Chapter, a “retaliation complaint” is a written reporting of any disciplinary or retaliatory action taken in response to a whistleblower complaint as defined under this section.

B. To be afforded all rights and protections as a “whistleblower” under this Chapter, whistleblowers must comply with all obligations found herein, including the reporting obligations delineated in County Code Sections 406.01 and 406.02.

C. Any elected official, employee, or board member who possesses actual knowledge of a violation of this Title shall make a whistleblower complaint with a supervisor within the employee’s chain of command, the Agency of Inspector General, or the Department of Human Resources, unless the individual knows the violation has already been reported.

D. Any employee who reasonably believes a violation of any county, state, or federal law, rule, or regulation has occurred, or will occur, may make a whistleblower complaint with a supervisor within the employee’s chain of command, the Agency of Inspector General, or the Department of Human Resources. Any other person identified in Section 406.01(A)(1) who reasonably believes a violation of any county, state, or federal law, rule, or regulation has occurred, or will occur, may make a whistleblower complaint with the Agency of Inspector General and/or the relevant county department.

E. Any person who receives a verbal whistleblower complaint shall contemporaneously prepare a written record of the complaint, including the following information:

1. The name of the person taking the complaint,
2. The name of the complainant, if known, unless if the complainant wishes to remain anonymous,
3. The date and time that the complaint was received, and

4. A description of the complaint.

F. Any supervisor who receives a whistleblower complaint shall notify the Agency of Inspector General or Department of Human Resources of the complaint within five (5) business days of receipt. The Department of Human Resources shall notify the Agency of Inspector General of any whistleblower complaints brought to it within five (5) business days of receipt. Any notifications required in this section shall be in writing and shall include the information specified in Section 406.01(D). Upon receipt of a whistleblower complaint, the Agency of Inspector General shall investigate pursuant to Section 204.01(B)(3) of this Code and Article XV of the County Charter.

G. For enforcement and interpretation of a whistleblower's rights and obligations under this Chapter, a former employee of Cuyahoga County will be granted protections, including prohibitions against retaliation, for any violations reported within 30 days after separation from the County.

H. No one shall make a whistleblower or retaliation complaint to the County that includes information he or she knows to be false, or which has been submitted in bad faith or with reckless disregard for the truth.

I. No person shall retaliate against any individual who, in good faith, has filed a whistleblower complaint whether such retaliation is through threat, coercion, harassment, abuse of authority, or adverse employment action. Any act of retaliation against a whistleblower shall be considered a separate violation of this section.

(Ordinance Nos. [O2020-0002](#), Enacted 4/26/2022, Effective 4/29/2022; [O2016-0002](#), Enacted 4/26/2016, Effective 5/27/2016; [O2011-0008](#), Enacted 4/5/2011, Effective 4/8/2011; [O2011-0004](#), Enacted 1/3/2011, Effective 1/10/2011)

Section 406.02 Whistleblower Rights

A. If an appointing authority, supervisor, or the Department of Human Resources takes any retaliatory action against an employee as a result of the employee's having made a whistleblower complaint under this Title, the employee's sole and exclusive remedy is to file a written retaliation complaint with the Personnel Review Commission. Any whistleblower complaint giving rise to an alleged retaliatory act must be filed in writing in order for an employee to exercise his or her appeal rights under this paragraph. A whistleblower complaint filed in writing may be submitted anonymously; provided however that the employee shall bear the burden of proving that the employee was the source of the anonymous complaint upon the filing of a retaliation complaint. If the employee files such a retaliation complaint, the Personnel Review Commission shall immediately notify both the employee's appointing authority and the Agency of Inspector General and shall hear the retaliation complaint. The Personnel Review Commissions shall determine if retaliation occurred and may issue any order as is appropriate including, but not limited to, rehiring, reinstatement with back pay, or any other remedy available under general law. Retaliation complaints heard by the Personnel Review Commission are appealable to the Court of Common Pleas pursuant to Ohio Revised Code Chapter 2506.

B. Any person doing business with the County, including persons receiving or seeking services from the County, or any other person who is neither an elected official, employee, nor a board member, who is retaliated against as a result of that person having made a whistleblower complaint under this Title, may file a retaliation complaint with the Agency of the Inspector General.

C. The initial and annual ethics training provided to employees, as required in Section 403.01 of this Code, shall be designed to strongly motivate employees to report any activity that is contrary to county, state, or federal law, rule, or regulation. The training shall include a notice to employees of whistleblower rights and responsibilities, including the requirement that an employee must have made a whistleblower complaint in order to make a retaliation complaint. The training shall also notify supervisory employees of their responsibility to avoid retaliating against any employee who makes a whistleblower complaint pursuant to Section 406.01 of this Code.

(Ordinance Nos. [O2020-0002](#), Enacted 4/26/2022, Effective 4/29/2022; [O2016-0002](#), Enacted 4/26/2016, Effective 5/27/2016; [O2011-0008](#), Enacted 4/5/2011, Effective 4/8/2011; [O2011-0004](#), Enacted 1/3/2011, Effective 1/10/2011)

Sections 406.03-406.07 Repealed on 4/26/2016 by Ordinance No. O2016-0002

Chapter 407: Duties and Responsibilities

Section 407.01 Inspector General

A. The Inspector General shall serve as the County's chief ethics officer, shall receive complaints of ethics violations, and shall conduct investigations in accordance with Section 204.01 of the Code. In the event the Inspector General has a conflict of interest or other circumstances arise that would preclude him or her from performing any power or duty vested in the Inspector General, including but not limited to investigating alleged violations of this Title, the Inspector General shall recuse himself or herself from the conflicted matter and shall notify the Director of Law of such recusal. Upon receiving a notice of recusal from the Inspector General, the Director of Law shall appoint an independent person or entity to perform the powers or duties of the Inspector General with regard to the particular matter until either the matter is closed or the conflict of interest is resolved.

B. All documents submitted or prepared in the course of an investigation under this Title shall be considered part of the Inspector General's confidential investigatory files, which shall be exempt from disclosure until the matter is concluded and the investigation is closed by the Inspector General and any other investigatory agencies with jurisdiction over the matter. The Inspector General shall take reasonable measures to protect the anonymity of complainants and witnesses to the extent permitted by law.

C. All elected officials, employees, contractors, lobbyists, and board members shall cooperate fully and truthfully with any investigation or inquiries initiated by the Inspector General regarding an alleged or potential violation of this Title to the extent that the constitutional rights of those accused are not violated. Elected officials, employees, board members, lobbyists, and contractors shall locate, compile, and produce any information requested by the investigating authority, unless such information is exempt from disclosure under this Code or applicable law.

D. If the Inspector General determines that an elected official, employee, or board member has violated a provision of this Title or the Charter, the Inspector General may take one or more of the following actions:

1. The Inspector General may issue a Letter of Notification, which advises the individual that he or she is in non-compliance, and may advise the respondent of any steps to be taken to bring the respondent into compliance and/or avoid future violations.
2. The Inspector General may issue a Letter of Admonition expressing disapproval of the individual's violation of a provision of this Title. The Inspector General shall send a simultaneous copy of all letters of admonition to the Department of Human Resources and to the respondent's appointing authority.

3. The Inspector General may issue a Letter of Censure condemning the individual for knowingly violating one or more provisions of this Title. The Inspector General shall send a simultaneous copy of all letters of censure to the Department of Human Resources and to the respondent's appointing authority.
4. The Inspector General may require the individual to complete a County ethics training program.
5. The Inspector General may make a recommendation to an individual's appointing authority, including but not limited to, a recommendation for suspension, forfeiture of office, or removal from office.

E. If the Inspector General determines there are reasonable grounds to believe a contractor or lobbyist has violated a provision of this Title, the Inspector General may take one or more of the following actions:

1. The Inspector General may issue a Letter of Notification, which advises the contractor or lobbyist that it is in non-compliance, and may advise the respondent of any steps to be taken to bring the respondent into compliance and/or avoid future violations.
2. The Inspector General may remove a lobbyist from the registry and prohibit them from engaging in lobbying activities for a period of time determined by the Inspector General.
3. The Inspector General may initiate the process to debar a contractor in accordance with Section 505 of the Code.
4. The Inspector General may require the contractor or lobbyist to complete a County ethics training program.

F. The Inspector General may reject the registration application of any contractor currently debarred, suspended, or subject to potential debarment under Chapter 505 of this Code. In the event a contractor's registration application is rejected, the Inspector General shall notify the contractor that its registration application has been rejected, shall refund any assessed registration fees, and shall issue a "Notice of Potential Debarment" if required under Chapter 505.

G. If the Inspector General determines there are reasonable grounds to believe any person has violated any federal, state, or local law, the Inspector General shall refer said violations to the appropriate civil, criminal, or administrative agencies charged with enforcing such law.

H. The Inspector General shall be responsible for administering ethics training for all contractors and lobbyists who are required to receive ethics training under this Title. The Inspector General shall receive and keep records of ethics certifications from all such contractors and lobbyists.

I. The Inspector General shall receive and maintain all financial disclosure statements required to be filed directly with the Inspector General. The Inspector General shall acquire and maintain copies of any Financial Disclosure statements filed directly with the Ohio Ethics Commission by elected officials.

J. The Inspector General shall provide any individual under investigation for giving, soliciting, or accepting a gift in violation of Section 403.06, 404.02, or 405.02 of this

Code an opportunity to submit evidence to rebut any presumption of influence the Inspector General has found. The Inspector General shall take any such evidence into consideration prior to taking final action.

K. The Inspector General shall publish a list of all registered contractors and lobbyists on the County's website.

L. The Inspector General shall issue an advisory opinion within fourteen (14) days upon receiving a written request regarding the compatibility of an employee's prospective secondary employment or the compatibility of a prospective board member appointment.

M. In consultation with the Department of Law, the Inspector General shall prepare a comprehensive County Ethics Policy Manual, which shall include the requirements of this Title, Ohio Revised Code Chapter 102, Ohio Revised Code Sections 2921.42 and 2921.43, and such other materials deemed appropriate for distribution. The County Ethics Policy Manual shall be made publicly available online.

N. The Inspector General shall furnish, electronically or in writing, a copy of the County Ethics Policy Manual to all contractors and lobbyists on or before the date of their first ethics training.

(Ordinance Nos. [O2016-0002](#), Enacted 4/26/2016, Effective 5/27/2016; [O2012-0004](#), Enacted 5/22/2012, Effective 5/25/2012; [O2011-0052](#), Enacted 10/25/2011, Effective 10/25/2011; [O2011-0023](#), Enacted 4/26/2011, Effective 4/26/2011; [O2011-0008](#), Enacted 4/5/2011, Effective 4/8/2011; [O2011-0004](#), Enacted 1/3/2011, Effective 1/10/2011)

Section 407.02 Personnel Review Commission

A. The Agency of the Inspector General and Department of Human Resources shall work in cooperation with the Personnel Review Commission to ensure county-wide compliance with this Title. The Personnel Review Commission shall provide an annual report to County Council detailing employee ethics training, receipt of ethics laws, and posting of whistleblower policies.

B. The Personnel Review Commission shall hear and adjudicate appeals of all claims of retaliation brought under Chapter 406 of this Code.

(Ordinance Nos. [O2016-0002](#), Enacted 4/26/2016, Effective 5/27/2016; [O2012-0004](#), Enacted 5/22/2012, Effective 5/25/2012; [O2011-0008](#), Enacted 4/5/2011, Effective 4/8/2011; [O2011-0004](#), Enacted 1/3/2011, Effective 1/10/2011)

Section 407.03 Department of Human Resources

A. The Department of Human Resources shall administer ethics training as necessary, and distribute a copy of the County's ethics policy to all elected officials, employees, and board members who are required to receive ethics training under this Title. The Department of Human Resources shall receive and maintain records of ethics certifications from all such elected officials, employees, and board members.

B. The Department of Human Resources shall be responsible for investigating claims of discrimination brought against any employee, elected official, or board member.

C. The Department of Human Resources shall furnish a copy of the County Ethics Policy Manual prepared by the Department of Law to all elected officials, employees, and board members on or before the date of their first ethics training.

D. The Department of Human Resources shall post the County's whistleblower policies, in accordance with Chapter 406 of this Code, in a manner consistent with its current disclosure and posting of other human resource materials.

E. The Department of Human Resources shall enforce ethics compliance and shall do each of the following, as necessary:

1. Provide copies of Ohio and County laws relating to ethics in accordance with this Code and general law;
2. Conduct ethics training programs and classes for County employees;
3. Post the County's Whistleblower Policy at County offices;
4. Take other actions necessary to perform its responsibilities for ethics compliance and training except for actions specifically assigned to another unit of County government.

(Ordinance Nos. [O2016-0002](#), Enacted 4/26/2016, Effective 5/27/2016; [O2012-0004](#), Enacted 5/22/2012, Effective 5/25/2012; [O2011-0008](#), Enacted 4/5/2011, Effective 4/8/2011; [O2011-0004](#), Enacted 1/3/2011, Effective 1/10/2011)

Sections 407.04-407.37 Repealed on 4/26/2016 by Ordinance No. O2016-0002

Chapter 408: Repealed

Chapter 408 Repealed by Ordinance No. O2016-0002, Enacted 4/26/2016, Effective 5/27/2016

(Ordinance Nos. [O2012-0004](#), Enacted 5/22/2012, Effective 5/25/2012; [O2011-0008](#), Enacted 4/5/2011, Effective 4/8/2011; [O2011-0004](#), Enacted 1/3/2011, Effective 1/10/2011)

Chapter 409: Repealed

Chapter 409 Repealed by Ordinance No. [O2016-0002](#), Enacted 4/26/2016, Effective 5/27/2016

(Ordinance Nos. [O2011-0008](#), Enacted 4/5/2011, Effective 4/8/2011; [O2011-0004](#), Enacted 1/3/2011, Effective 1/10/2011)

Chapter 410: Repealed

Chapter 410 Repealed by Ordinance No. [O2016-0002](#), Enacted 4/26/2016, Effective 5/27/2016

(Ordinance Nos. [O2011-0023](#), Enacted 4/26/2011, Effective 4/26/2011; [O2011-0008](#), Enacted 4/5/2011, Effective 4/8/2011; [O2011-0004](#), Enacted 1/3/2011, Effective 1/10/2011)

Title 5: Contracts and Purchasing

- [Chapter 501: Contracts and Purchasing Procedures](#)
- [Chapter 502: Cuyahoga County Based Business Preference Program](#)
- [Chapter 503: Small Business Enterprise Program Policies and Procedures](#)
- [Chapter 504: Alternate Construction Delivery Methods](#)
- [Chapter 505: Debarment](#)
- [Chapter 506: Procurement Card Program Policies and Procedures](#)
- [Chapter 507: Risk Management Procedures](#)
- [Chapter 508: County's Performance Bond and Insurance Requirements](#)
- [Chapter 509: Disparity and Economic Inclusion](#)
- [Chapter 510: Cuyahoga County Business Economic Inclusion Program](#)

Chapter 501: Contracts and Purchasing Procedures

Section 501.01 Home Rule Powers Asserted

A. The County expressly asserts its home rule powers with respect to all contracting and procurement matters, including, but not limited to, all competitive bidding requirements and the County's contracting capabilities.

B. Notwithstanding any requirements or limitations of the Ohio Revised Code, Ohio Administrative Code, or any other applicable law or regulation, pursuant to the County's home rule powers, the County may enter into any real-estate and real-estate related transactions, and there shall be no limitations on the duration of any such transactions.

C. Notwithstanding any requirements or limitations of the Ohio Revised Code, including, but not limited to ORC 5543.19, the Ohio Administrative Code, or any other applicable law or regulation, pursuant to the County's home rule powers, the County's Department of Public Works may employ laborers and vehicles, use County employees and property, lease implements and tools, purchase materials, and do any other act as necessary in the construction, reconstruction, improvement, maintenance, or repair of roads, bridges, culverts, county property and facilities, or any other construction or property management undertaken by the County. In so doing, the Department shall obtain all requisite approvals for any contracts, purchases, change orders, or amendments from the appropriate approval authorities pursuant to the requirements of Chapter 501 of the County Code.

D. Notwithstanding any requirements or limitations of the Ohio Revised Code, Ohio Administrative Code, or any other applicable law or regulation, pursuant to the County's home rule powers, the County Executive or his/her designees may:

1. issue requests for bids, proposals, or qualifications which allow the responder to choose among two or more alternative approaches for completing the work;
2. advertise for bids or request proposals or qualifications either on-line through the County's website or through a newspaper of general circulation that serves the County, or both, with the option to supplement such advertising through the use of additional media; and
3. on or after August 1, 2011, and in accordance with any implementing legislation on alternative construction delivery systems enacted by County Council, choose among the various available construction project delivery systems, in order to achieve the best possible combination of cost, quality, time to completion, and risk control.

(Ordinance Nos. [O2012-0015](#), Enacted 7/24/2012, Effective 7/26/2012; [O2011-0044](#), Enacted 9/13/2011, Effective 9/15/2011; [O2011-0030](#), Enacted 7/26/2011, Effective

7/29/2011; [O2011-0022](#), Enacted 4/5/2011, Effective 4/8/2011; [O2011-0018](#), Enacted 3/8/2011, Effective 3/15/2011; [O2011-0014](#), Enacted 4/26/2011, Effective 5/3/2011; [O2011-0006](#), Enacted 1/11/2011, Effective 1/19/2011; [O2011-0002](#), Enacted 1/3/2011, Effective 1/10/2011)

Section 501.02 Definitions Applicable to Chapter 501

A. Usage of the Terms. For the purposes of Chapter 501 of the County Code, "Contract" and "Sale":

1. "contract" shall not include an employment contract between the County and any regular full-time or part-time employee of the County or any contract entered into in settlement of litigation; and
2. "sale" shall include only sales of assets.

B. Definition of Value. For the purposes of Chapter 501 of the County Code, the value of any contract, purchase, sale, grant made by the County, or loan shall be the total amount obligated, received or contracted for, even if over multiple years, but shall not include any optional extensions. Whenever a construction or renovation project requires the execution of two or more contracts, the sum of the value of the multiple contracts required shall be used as the value for each contract, except that contracts for phases of a construction or renovation project, executed before it is known whether the total project cost will exceed \$500,000, may be handled as a separate contract.

C. Definition of New Item. For the purposes of Chapter 501 of the County Code, a "new item" in a change order or amendment to a contract is any item not provided for in the prior version of the contract, and does not include a change in the quantity, version, style, manufacturer, or supplier of any item included in the prior version of the contract.

D. Change Orders or Amendments on Contracts. A change order or amendment to a contract may be presented in the form of a list of proposed changes, rather than submitting items individually. For the purposes of Chapter 501 of the County Code, the value of a change order or amendment submitted as a list of items shall be the greater of:

1. the net change to the value of the contract after all additions, are added and all deletions or reductions are subtracted; or
2. or the total value of all new items, as defined in Section 501.01(F) of this Section, in the change order or amendment.

The term "change order or amendment" shall include the use of county contingency funds.

(Ordinance Nos. [O2012-0015](#), Enacted 7/24/2012, Effective 7/26/2012; [O2011-0044](#),

Enacted 9/13/2011, Effective 9/15/2011; [O2011-0030](#), Enacted 7/26/2011, Effective 7/29/2011; [O2011-0022](#), Enacted 4/5/2011, Effective 4/8/2011; [O2011-0018](#), Enacted 3/8/2011, Effective 3/15/2011; [O2011-0014](#), Enacted 4/26/2011, Effective 5/3/2011; [O2011-0006](#), Enacted 1/11/2011, Effective 1/19/2011; [O2011-0002](#), Enacted 1/3/2011, Effective 1/10/2011)

Section 501.03 County Executive's Authority

A. The County Executive, through the appropriate departments of county government acting under his/her direction or other county entities, may solicit bids, proposals, qualification statements, or any other contractual solicitation; enter into all contracts; manage contracts through their conclusion and execute all necessary documents for the administration and conclusion of contracts; accept completeness of projects; terminate contracts; release escrow funds; apply for, accept, or make grants; purchase, sell, and lease any real estate or real estate interests; accept or grant access, easements, licenses, and other rights of entry on real estate; and provide or enter into loans, provided that all requirements of Chapter 501 of the County Code applicable to that action are met. For actions requiring approval of the County Council or the Board of Control, such approvals shall be obtained prior to execution of the action, except as provided for under the County Executive Emergency Authority and Time Sensitive, Mission Critical Purchases. Actions not requiring approval of the County Council or the Board of Control may be executed by the County Executive in accordance with procedures established by Chapter 501 of the County Code and the County Executive.

B. The County Executive may perform any of the functions that he or she may perform under Chapter 501 of the County Code through his or her duly authorized designees.

C. Chapter 501 of the County Code is intended to fulfill any state, federal, or other requirement for a Resolution or Ordinance granting the County Executive the authority to apply for or accept grants on behalf of the County.

D. Chapter 501 of the County Code is intended to fulfill any state, federal, or other requirement for a Resolution or Ordinance granting the County Executive the authority to enter into a contract or perform any other act allowed by Chapter 501 of the County Code unless approval for such action is specifically required under Section 501.04 of the Code.

E. Chapter 501 is intended to fulfill any state, federal, or other requirement for a Resolution or Ordinance of Support to apply or accept grants on behalf of the County or to enter into a contract or perform any other act allowed by this Chapter.

F. Chapter 501 shall not be construed to limit or restrict the powers, duties, and responsibilities of the County Executive as provided by the Charter or State law and the listing of any specific powers, duties, or responsibilities of the County Executive in this Chapter shall not be construed to exclude any other power, duty, or responsibility provided for the Charter or by the general law of the State of Ohio.

(Ordinance Nos. [O2015-0006](#), Enacted 4/28/2015, Effective 4/29/2015; [O2012-0015](#), Enacted

7/24/2012, Effective 7/26/2012; [O2011-0044](#), Enacted 9/13/2011, Effective 9/15/2011; [O2011-0030](#), Enacted 7/26/2011, Effective 7/29/2011; [O2011-0022](#), Enacted 4/5/2011, Effective 4/8/2011; [O2011-0018](#), Enacted 3/8/2011, Effective 3/15/2011; [O2011-0014](#), Enacted 4/26/2011, Effective 5/3/2011; [O2011-0006](#), Enacted 1/11/2011, Effective 1/19/2011; [O2011-0002](#), Enacted 1/3/2011, Effective 1/10/2011)

Section 501.04 Required Approvals

A. Items Requiring County Council Approval.

1. The following transactions and other actions shall require approval by the County Council:
 - a. All contracts, purchases, sales, grants provided by the county, or loans provided by the county resulting in the County's expenditure of more than \$500,000.00. If the transaction does not have an end date, the County shall calculate the anticipated expenditures for purposes of determination of the appropriate approval authority based on a five-year term;
 - b. All revenue generating agreements with anticipated revenue above \$500,000.00 during the term of the agreement. If the revenue generating agreement does not have an end date, the County shall calculate the anticipated revenue for purposes of determination of the appropriate approval authority based on a five-year term;
 - c. Any loan in which the County, or any entity thereof, is the borrower;
 - d. All contracts, purchases, loans, leases, or other transactions which create an obligation that would require the appropriation of additional funds not previously authorized;
 - e. All purchases or sales of real estate or real estate interests for any purpose other than making or repairing roads, including bridges, for more than \$50,000.00 and all leases of real estate or real estate interests as lessor or lessee in which the value of the purchase, sale, or lease is more than \$50,000.00;
 - f. All purchases, sales, or leases of real estate in excess of six months other than at fair market value;
 - g. All transfers of cash or appropriation authority between accounts within the County budget and all appropriation changes that result in an increase or decrease in authorized appropriations;
 - h. Any change order or amendment to a contract that is submitted to the Board of Control and does not receive an affirmative vote of one County Council member on the Board of Control;
 - i. Any other specific contract, purchase, sale, lease, grant made by the County, or loan made by the County, or any exemption, procedure, or other action within the process of completing any such contract, purchase, sale, lease, grant made by the County, or loan made by the County for which the County Council, by Resolution of Council, requires approval of the County Council; Any other contract, contract amendment, change order, purchase, sale, lease, grant made by the County, loan made by the County, exemption, procedure, or other action that requires approval by the County Council pursuant to any other provision of Chapter 501 or any other provision of the County Code;
 - j. Any other contract, purchase, sale, lease, grant made by the County, loan made by the County, or any exemption, procedure, or other action within the process of completing any such contract, purchase, sale, lease, grant, exemption, or loan that does not otherwise require Council approval, but the County Executive or Board of Control

determines to submit to Council for its consideration, review, and approval or denial; and k. Any other contract, purchase, sale, lease, grant made by the County, loan made by the County, or any exemption, procedure, or other action within the process of completing any such contract, purchase, sale, lease, grant, exemption, or loan that the Council President requests its transfer or review to the County Council by written communication to the County Executive and his or her designee prior to approval.

2. Sections 501.04(A)(1)(e) and (f) are not intended to interfere with the Executive and Director of Public Works' ability to manage the County's property, including, without limitation, granting access, easements, licenses, rights of way, or other rights of entry on the County's property and establishing the terms for such entry without seeking Council approval for such action.
3. A resolution approving any "Item Requiring County Council Approval" under this Section shall be deemed an administrative act of the County Council and shall therefore take effect immediately upon adoption of the resolution by a simple majority of County Council or signature of the County Executive, whichever is applicable. This paragraph shall not apply to any resolution in which County Council specifically exercises its legislative powers granted under the County Charter or general law.

B. Items Requiring Board of Control Approval.

The following transactions and other actions shall require approval by the Board of Control:

1. All contracts, purchases, sales, grants provided or by the County, or loans provided by the County resulting in the County's expenditure of more than \$5,000.00 but not more than \$500,000.00. If the transaction does not have an end date, the County shall calculate the anticipated expenditures for purposes of determination of the appropriate approval authority based on a five-year term;
2. All revenue generating agreements with anticipated revenue more than \$5,000.00 but not more than \$500,000.00 during the term of the agreement. If the revenue generating agreement does not have an end date, the County shall calculate the anticipated revenue for purposes of determination of the appropriate approval authority based on a five-year term;
3. All purchases or sales of real estate or real estate interests for more than \$5,000.00 but not more than \$50,000.00 and all leases of real estate or real estate interests as lessor or lessee in which the total value of the transaction is more than \$5,000.00 but not more than \$50,000.00;
4. Any change order or amendment resulting in the County's expenditure of more than \$5,000.00 that do not otherwise require Council approval using the definition provided in Section 501.02(D) of the County Code for contracts with a value of less than five million dollars; and
5. All purchases, including, the acquisition through settlement of eminent-domain litigation, of any real estate interests for the purpose of making or repairing roads, including bridges, in excess of \$50,000.00.

C. All contracts, purchases, sales, grants or loans provided by the County, purchases or sales of real estate or real estate interests, leases of real estate or real estate interests as lessor or lessee, in which the total value of the transaction is more than \$1,000.00 but less than \$5,000.00 shall be reported monthly to the Board of Control. Each transaction shall be presented to the Board of Control no later than the 15th day of the following month, and shall include a brief description, the approval or execution date,

name of the contractor, and the amount of the transaction.

(Ordinance Nos. [O2019-0003](#), Enacted 4/9/2019, Effective 4/11/2019; [O2015-0006](#), Enacted 4/28/2015, Effective 4/29/2015; [O2014-0037](#), Enacted 5/26/2015, Effective 5/28/2015; [O2012-0015](#), Enacted 7/24/2012, Effective 7/26/2012; [O2011-0044](#), Enacted 9/13/2011, Effective 9/15/2011; [O2011-0030](#), Enacted 7/26/2011, Effective 7/29/2011; [O2011-0022](#), Enacted 4/5/2011, Effective 4/8/2011; [O2011-0018](#), Enacted 3/8/2011, Effective 3/15/2011; [O2011-0014](#), Enacted 4/26/2011, Effective 5/3/2011; [O2011-0006](#), Enacted 1/11/2011, Effective 1/19/2011; [O2011-0002](#), Enacted 1/3/2011, Effective 1/10/2011)

Section 501.05 Approval Procedures

A. Single Approval Generally Required; Exceptions.

1. Except as provided for in Sections 501.04(A)(1)(h) and (i), Section 501.04(B)(4), and Section 501.04(A) and (B) of the County Code, the approvals provided for in Section 501.04 of the County Code shall be required to enter into a contract, lease, purchase, sale, loans made by the County, and grants made by the County, and not at other stages of the process of completing these transactions.
2. Purchases made under a requirements, supplies, or other contract under which multiple purchases are to be made, such as an office supply contract or a county printing contract, shall not require additional individualized approvals by the County Council or Board of Control so long as the contract under which the purchases are to be made is properly approved under Chapter 501 of the County Code.

B. Thresholds for Exercise of Options. Exercise of an option on a contract shall require approval of the County Council or the Board of Control if the thresholds provided for in Section 501.04(A) or(B), respectively, for approval of contracts are met.

C. Contracts with Multiple Vendors.

1. Unless an exemption is approved under Section 501.05(C)(2) herein, the values of proposed contracts to be entered pursuant to a single Request for Bids (RFB), Request for Proposals (RFP), Request for Qualifications (RFQ), or any other contractual solicitation shall be aggregated and treated as a single contract for purposes of applying the monetary thresholds under Section 501.04 of the County Code.
2. Requests for exemption from the requirements of Section 501.05(C)(1) shall be submitted to the Board of Control, which is hereby authorized to review such requests and to approve or disapprove them.

D. Approval Thresholds for Change Orders or Amendments.

For the purposes of Chapter 501 of the County Code, a change order or amendment to a contract shall not be considered a separate contract and shall be subject to the requirements of Sections 501.04(A)(1)(h) and 501.04(B)(4).

E. Monthly Reports on Contract Changes.

During any construction or renovation project, the director of the department responsible for the project in conjunction with the project manager, or other person responsible for the project shall provide the following information monthly to the Board of Control:

1. A description of all changes made in the project since the previous report and the cost or savings associated with each change, and
2. The percentage of contingency funds used in the project up to that point and how that percentage compares with the projected use of contingency funds at that point in the project.

F. Identification of Funding Sources.

Any item submitted to the County Council or the Board of Control which includes a request for approval for the expenditure of money shall specify the funding source(s) to be used.

(Ordinance Nos. [O2015-0006](#), Enacted 4/28/2015, Effective 4/29/2015); [O2012-0015](#), Enacted 7/24/2012, Effective 7/26/2012; [O2011-0044](#), Enacted 9/13/2011, Effective 9/15/2011; [O2011-0030](#), Enacted 7/26/2011, Effective 7/29/2011; [O2011-0022](#), Enacted 4/5/2011, Effective 4/8/2011; [O2011-0018](#), Enacted 3/8/2011, Effective 3/15/2011; [O2011-0014](#), Enacted 4/26/2011, Effective 5/3/2011; [O2011-0006](#), Enacted 1/11/2011, Effective 1/19/2011; [O2011-0002](#), Enacted 1/3/2011, Effective 1/10/2011)

Section 501.06 Law Department Empowered to Authorize Minor Deviations from Approval Actions.

The Law Department may authorize minor deviations from the original approval actions of contracts, revenue generating agreements, purchases, sales, leases, grants, loans, change orders, amendments, or any other approved transactions, including, but not limited to, the identification of the vendor's name and starting and ending dates. If the Law Department approves such deviations, the Office of Procurement and Diversity shall process the contractual documents. The Law Department shall report all such approved deviations from the original approval actions on a monthly basis to the requisite approval authorities.

(Ordinance Nos. [O2021-0008](#), Enacted 5/25/2021, Effective 5/25/2021; [O2012-0015](#), Enacted 7/24/2012, Effective 7/26/2012; [O2011-0044](#), Enacted 9/13/2011, Effective 9/15/2011; [O2011-0030](#), Enacted 7/26/2011, Effective 7/29/2011; [O2011-0022](#), Enacted 4/5/2011, Effective 4/8/2011; [O2011-0018](#), Enacted 3/8/2011, Effective 3/15/2011; [O2011-0014](#), Enacted 4/26/2011, Effective 5/3/2011; [O2011-0006](#), Enacted 1/11/2011, Effective 1/19/2011; [O2011-0002](#), Enacted 1/3/2011, Effective 1/10/2011)

Section 501.07 Referral to Council

A. The County Executive may refer any item to the County Council for approval that otherwise would require approval from the Board of Control.

(Ordinance Nos. [O2015-0006](#), Enacted 4/28/2015, Effective 4/29/2015; [O2012-0015](#), Enacted 7/24/2012, Effective 7/26/2012; [O2011-0044](#), Enacted 9/13/2011, Effective 9/15/2011; [O2011-0030](#), Enacted 7/26/2011, Effective 7/29/2011; [O2011-0022](#), Enacted 4/5/2011, Effective 4/8/2011; [O2011-0018](#), Enacted 3/8/2011, Effective 3/15/2011; [O2011-0014](#), Enacted 4/26/2011, Effective 5/3/2011; [O2011-0006](#), Enacted 1/11/2011, Effective 1/19/2011; [O2011-0002](#), Enacted 1/3/2011, Effective 1/10/2011)

Section 501.08 Emergency Contracting Authority

A. In an emergency which threatens the life, health, or property in the County, as declared and determined by the County Executive, and in which official action is needed prior to when a meeting of the County Council or the Board of Control could take place:

1. the County Executive, or their designee, is authorized to enter into contracts or leases or make purchases not to exceed \$500,000.00 for any one emergency event, without obtaining the approval of the County Council or the Board of Control.
2. the County Executive, or their designee, is authorized to enter into contracts or leases or make purchases in excess of \$500,000.00 for any one emergency event, without obtaining the approval of the County Council or the Board of Control, provided same is otherwise approved by the President of Council, or their designee.

Whenever this power is exercised, the County Executive shall immediately or as soon as practicable, send a report to County Council and post the report on the county's website, describing the nature of the emergency, the actions taken, and the estimated cost and sources of funding for the actions taken.

(Ordinance Nos. [O2020-0006](#), Enacted 3/16/2020, Effective, 3/16/2020; [O2015-0006](#), Enacted 4/28/2015, Effective 4/29/2015; [O2012-0015](#), Enacted 7/24/2012, Effective 7/26/2012; [O2011-0044](#), Enacted 9/13/2011, Effective 9/15/2011; [O2011-0030](#), Enacted 7/26/2011, Effective 7/29/2011; [O2011-0022](#), Enacted 4/5/2011, Effective 4/8/2011; [O2011-0018](#), Enacted 3/8/2011, Effective 3/15/2011; [O2011-0014](#), Enacted 4/26/2011, Effective 5/3/2011; [O2011-0006](#), Enacted 1/11/2011, Effective 1/19/2011; [O2011-0002](#), Enacted 1/3/2011, Effective 1/10/2011)

Section 501.09 Application for and Acceptance of Grants

A. The County Executive may apply for and accept grants on behalf of the County, and execute all agreements and any other documents in connection with same, without specific approval from the the Board of Control, or the County Council, provided that any expenditures of grant funds shall be made from funds properly appropriated and any purchases, grants, leases, or loans made using grant funds shall be done in accordance with the provisions of Chapter 501 of the Cuyahoga County Code.

B. As an exception to Section 501.09(A)(1), specific approval shall be required by the Board of Control for the County's acceptance of grants of more than \$5,000.00 when either of the following applies:

1. The County has the discretion to select from multiple potential grant sub-recipients, and the County voluntarily designates a specific sub-recipient as part of the application process; or
2. Acceptance of the grant requires a local match for which a specific appropriation has not been provided in the applicable operating budget.

(Ordinance Nos. [O2019-0003](#), Enacted 4/9/2019, Effective 4/11/2019; [O2015-0006](#), Enacted 4/28/2015, Effective 4/29/2015; [O2012-0015](#), Enacted 7/24/2012, Effective 7/26/2012; [O2011-0044](#), Enacted 9/13/2011, Effective 9/15/2011; [O2011-0030](#), Enacted 7/26/2011, Effective 7/29/2011; [O2011-0022](#), Enacted 4/5/2011, Effective 4/8/2011; [O2011-0018](#), Enacted 3/8/2011, Effective 3/15/2011; [O2011-0014](#), Enacted 4/26/2011, Effective 5/3/2011; [O2011-0006](#), Enacted 1/11/2011, Effective 1/19/2011; [O2011-0002](#), Enacted 1/3/2011, Effective 1/10/2011)

Section 501.10 Purchases to be Executed by Office of Procurement and Diversity

All purchases of goods and services shall be done by the Office of Procurement and Diversity, under the direction of the County Executive. The various departments may use office vouchers and procurement cards for purchases not to exceed \$1,000.00. Office vouchers shall be used only for unexpected or uncommon purchases. Recurring purchases of goods and services from the same vendor, originally contemplated in the development of an agency's budget shall be paid through the use of an encumbrance voucher.

(Ordinance Nos. [O2021-0008](#), Enacted 5/25/2021, Effective 5/25/2021; [O2019-0003](#), Enacted 4/9/2019, Effective 4/11/2019; [O2012-0015](#), Enacted 7/24/2012, Effective 7/26/2012; [O2011-0044](#), Enacted 9/13/2011, Effective 9/15/2011; [O2011-0030](#), Enacted 7/26/2011, Effective 7/29/2011; [O2011-0022](#), Enacted 4/5/2011, Effective 4/8/2011; [O2011-0018](#), Enacted 3/8/2011, Effective 3/15/2011; [O2011-0014](#), Enacted 4/26/2011,

Effective 5/3/2011; [O2011-0006](#), Enacted 1/11/2011, Effective 1/19/2011; [O2011-0002](#), Enacted 1/3/2011, Effective 1/10/2011)

Section 501.11 Information Technology Purchases

All information technology purchases by the County, its officers, departments, offices, agencies, boards, commissions, courts, or other authorities of the County shall be coordinated with the County's Chief Information Officer and approved by him/her, in accordance with the procedures and policies established by his/her office, before being submitted for approval to the appropriate approval authority under Section 501.04 of the Cuyahoga County Chapter.

(Ordinance Nos. [O2012-0015](#), Enacted 7/24/2012, Effective 7/26/2012; [O2011-0044](#), Enacted 9/13/2011, Effective 9/15/2011; [O2011-0030](#), Enacted 7/26/2011, Effective 7/29/2011; [O2011-0022](#), Enacted 4/5/2011, Effective 4/8/2011; [O2011-0018](#), Enacted 3/8/2011, Effective 3/15/2011; [O2011-0014](#), Enacted 4/26/2011, Effective 5/3/2011; [O2011-0006](#), Enacted 1/11/2011, Effective 1/19/2011; [O2011-0002](#), Enacted 1/3/2011, Effective 1/10/2011)

Section 501.12 Competitive Bidding Requirements and Exceptions

A. Except as otherwise provided in Chapter 501 of the County Code, including, but not limited to, Sections 501.12, 501.14, and 501.01(D), all contracts, purchases, or leases shall be done in accordance with the competitive bidding procedures provided for in Sections 307.86 through 307.921 of the Ohio Revised Code. If any conflict arises between the procedures, requirements, or any other terms of the Ohio Revised Code, Ohio Administrative Code, or any other law or regulation, and Chapter 501 of the County Code, the procedures, requirements, and terms of this Chapter shall prevail.

B. Competitive bidding is not required when any of the following apply:

1. The estimated cost is less than \$50,000.00;
2. The purchase is for professional services, such as architectural, legal, medical, veterinary, financial, insurance, information technology, engineering, consulting, surveying, appraisal, brokerage, or construction management services;
3. The purchase is made in response to an emergency as provided for in Section 501.08 of the County Code or the purchase is approved by the County Council or the Board of Control, as applicable, to be made without competitive bidding in response to an emergency;
4. The transaction is for the purchase, sale, lease (as lessor or lessee), conveyance, transfer, exchange, easement, right of way, license, or any other disposition or acquisition of real property or real-estate interests;
5. The purchase is for used personal property, material, or supplies which are to be sold by the submission of written bids or at an auction open to the public;

6. The purchase is for services, supplies, replacements or supplemental parts, for a product or equipment owned or leased by the county, and the only source of the services, supplies, replacements or parts is limited to a single supplier;
7. The purchase is for services related to information technology, such as programming services, that are proprietary or limited to a single source;
8. The transaction is with the federal government, a state or a political subdivision thereof, a county or contracting authority thereof, a board of education, a township, a municipal corporation or a contracting authority thereof, a court, or any other one or more political subdivisions or other governmental entities, including, but not limited to, a county hospital, a regional transportation authority, a board of developmental disabilities, an alcohol, drug addiction and mental health services board, a veterans service commission, a county land reutilization corporation (land bank), a sewer district, or a port authority;
9. The purchase is made by a county department performing the duties provided for in Section 329.04 of the Ohio Revised Code and consists of family services duties or workforce development activities;
10. The purchase is made by a public children services agency performing the duties provided for in Section 5153.16 of the Ohio Revised Code and consists of family services, programs, or ancillary services that provide case management, prevention, or treatment services for children at risk of being or alleged to be abused, neglected, or dependent children;
11. The purchase consists of criminal justice services, social services programs, family services, or workforce development activities from nonprofit corporations or associations under programs funded by the federal government or by state grants;
12. The purchase is for an insurance policy, health care plan, or child care services for provision to county employees;
13. The purchase is for goods and services provided by persons with severe disabilities and provided for in Sections 4115.31 through 4115.35 of the Ohio Revised Code;
14. The Board of Control determines, upon its review of a request for an exemption from the requirements of competitive bidding, that the use of competitive sealed proposals would be advantageous to the county and the contracting authority complies with Section 307.862 of the Ohio Revised Code, as modified by Section 501.01(D) of this Chapter;
15. The Board of Control determines, upon its review of a request for an exemption from the requirements of competitive bidding, that an alternative procurement process would be advantageous to the County. The request to the Board must specify the details of the proposed alternative procurement process, and the Board may approve the request as presented or may impose any other changes or additional requirements as it deems appropriate.
16. The program, contract, or agreement is funded through a federal, state, or other grant or program and is awarded by the County to the recipient(s) pursuant to the criteria or requirements of the grant or program, such as contracts entered pursuant to the Community Development Block Grant Program, the Store Front Renovation Rebate Program, the McKinney Vento Homeless Assistance Renewal Grant, or other similar grants or programs. To be eligible for this exemption, the program's criteria and requirements for the selection of the recipients must first be approved by the Board of Control. This approval can be done singularly for the entire program without the need for individualized consideration.
17. The purchase is for any other purpose that may be done without competitive bidding pursuant to the Ohio Revised Code;
18. The purchase is made through a joint purchasing program authorized by the Ohio Revised Code, including, but not limited to, Ohio Revised Code Section 9.48; and,

19. The purchase is made through a state contract authorized by the Ohio Revised Code, including, but not limited to, Ohio Revised Code Section 125.04 and Ohio Revised Code Section 5513.01.

C. Any purchase of professional design services provided by architects, engineers, or surveyors shall be done as provided for in Sections 153.65 through 153.71 of the Ohio Revised Code. The contracting authority, however, may deviate from the requirements of Ohio Revised Code Section 153.691 if the County Executive, with the approval of the Board of Control, determines that doing so would be advantageous to the County.

D. Except in the case of contracts and purchases made under Sections 501.12(B)(8), (15), and (16) of the County Code, unless a request for an exemption is granted by the Board of Control, as presented or with any other changes or additional requirements deemed appropriate by the Board, if the County seeks to make contracts or purchases of \$50,000.00 or more other than by competitive bidding, and the contracting authority is able to identify more than one source through which the purchase could be made, the contracting agency shall:

1. Develop requests for proposals or qualifications, specifying the products or services to be purchased and the criteria that will be considered prior to making the purchase;
2. Receive responses from prospective vendors/contracting parties meeting the criteria specified in the request for proposals or qualifications by giving notice in a manner substantially similar to the procedures established for giving notice under section 307.87 of the Ohio Revised Code as modified by Section 501.01(D) of the County Code; and
3. The contracting authority negotiates with the prospective vendors/contracting parties to obtain a contract which best satisfies the criteria specified in the request for proposals or qualifications.

E. If the County seeks to make contracts or purchases greater than \$1,000, but less than \$50,000, the County shall solicit bids for the contract/purchase for a period of no less than eight hours on the County's web site and through a vendor email notification system that is approved by the Office of Procurement and Diversity and the Law Department. The County shall make best efforts to ensure that the posting hours take place between 5:00 a.m. and 7:00 p.m. EST. If the online process does not result in at least three bids, the County shall exercise best efforts to obtain three bids through additional solicitation efforts.

F. If the County seeks to make contracts or purchases of \$50,000 or more, and it is unable to identify more than one source and a vendor provides the County with a verified statement, subject to the penalty of perjury, certifying its sole source status, the County shall then solicit the availability of vendors for the contract/purchase. The solicitation shall be for a period of no less than 48 hours on the County's web site and through a vendor email notification system that is approved by the Office of Procurement and Diversity and the Law Department. If the posting fails to identify any additional vendor, the County may then proceed to submit the proposed purchase/contract to the appropriate approval authority as a sole source. If, however, the posting results in the identification of more than one possible vendor, the County

shall only proceed with the procurement through the requisite competitive process under Chapter 501 of the Cuyahoga County Code unless the County receives an appropriate exemption in accordance with the requirements of the Code. The request for an exemption shall be made on a form established by the Office of Procurement and Diversity, and approved by the Law Department, and shall include a verified statement by the vendor, subject to the penalty of perjury, certifying the vendor's sole-source status. If the sole-source request is approved, the purchase or contract must still receive the requisite approval by the County Council or the Board of Control pursuant to Section 501.04 of the County Code.

(Ordinance Nos. [O2021-0008](#), Enacted 5/25/2021, Effective 5/25/2021; [O2019-0003](#), Enacted 4/9/2019, Effective 4/11/2019; [O2015-0006](#), Enacted 4/28/2015, Effective 4/29/2015; [O2012-0015](#), Enacted 7/24/2012, Effective 7/26/2012; [O2011-0044](#), Enacted 9/13/2011, Effective 9/15/2011; [O2011-0030](#), Enacted 7/26/2011, Effective 7/29/2011; [O2011-0022](#), Enacted 4/5/2011, Effective 4/8/2011; [O2011-0018](#), Enacted 3/8/2011, Effective 3/15/2011; [O2011-0014](#), Enacted 4/26/2011, Effective 5/3/2011; [O2011-0006](#), Enacted 1/11/2011, Effective 1/19/2011; [O2011-0002](#), Enacted 1/3/2011, Effective 1/10/2011)

Section 501.13 Encouragement of Diversity

In designing specifications for bids, requests for proposals, and requests for qualifications, the County shall consider dividing requests into smaller components when doing so would create a larger pool of potential bidders without reducing the cost-effectiveness of the project.

(Ordinance Nos. [O2012-0015](#), Enacted 7/24/2012, Effective 7/26/2012; [O2011-0044](#), Enacted 9/13/2011, Effective 9/15/2011; [O2011-0030](#), Enacted 7/26/2011, Effective 7/29/2011; [O2011-0022](#), Enacted 4/5/2011, Effective 4/8/2011; [O2011-0018](#), Enacted 3/8/2011, Effective 3/15/2011; [O2011-0014](#), Enacted 4/26/2011, Effective 5/3/2011; [O2011-0006](#), Enacted 1/11/2011, Effective 1/19/2011; [O2011-0002](#), Enacted 1/3/2011, Effective 1/10/2011)

Section 501.14 Standards for Awarding Contracts

Contracts and purchases which require competitive bidding, and are awarded in accordance with Chapter 501 of the County Code shall be awarded to the lowest and best bidder meeting the specifications that are most advantageous to Cuyahoga County. The County reserves the right to consider all elements entering into the question of determining the lowest and best bid, including the following:

- a. whether the bidder has the appropriate experience, reputation, and workforce to perform the required work;
- b. the bidder's past performance on legal and ethical matters;

c. whether the bidder exhibits a history of workforce stability and workplace safety, and provides workers a fair wage and fair benefits, as evidenced by payroll and employee records, for the required work, based on market conditions;

d. whether the bidder has adhered to all conditions and requirements of the bid and specifications;

e. the quality of the product or service provided by the bidder on previous projects;

f. with respect to a bidder whose bid is substantially below that of the next lowest bidder, supplemental details regarding the bid and/or historical information regarding performance and costs on similar contracts to demonstrate the bidder's ability to complete the contract at the price specified;

g. whether the bidder is able to comply with the criteria outlined in Section 501.15 of the County Code;

h. whether the bidder's past performance has demonstrated a commitment to diversity in employment and subcontracting;

i. maintenance costs and warranty provisions provided for in the bid;

j. the delivery or completion date provided for in the bid;

k. whether, with respect to work done in construction trades , the bidder will use only construction trades personnel who were trained in a state or federally approved apprenticeship program or career technical program, or who are currently enrolled in a state or federally approved apprenticeship program or career technical program, or who have at least three years of experience in a particular trade; except that for the purposes of full inclusion and creation of entry-level opportunities, up to 10% of the construction trades personnel may be participants in pre-apprenticeship programs or otherwise have less training and experience;

l. whether the bidder, unless otherwise agreed to in a collective bargaining agreement, contributes to an employee pension or retirement plan for those employees working on the contract, such benefits being part of the employees' regular compensation and not merely on the contract, and provides evidence thereof upon request;

m. whether the bidder, unless otherwise agreed to in a collective bargaining agreement, makes available a minimum health care plan for those employees working on the contract, such benefits being part of the employees' regular compensation and not merely on the contract and provides a copy of the plan on request;

n. whether the bidder has had the professional license of any of its principals or employees revoked for malfeasance or misfeasance;

o. any other requirements determined by the County to be specifically relevant to the proposed contract;

p. on federally or state funded projects, which require the County to comply with specific federal and/or state criteria in selecting the lowest and best bid and/or bidder, the County shall comply with the applicable federal or state mandated criteria to avoid the loss of federal or state funding for the project(s).

(Ordinance Nos. [O2012-0015](#), Enacted 7/24/2012, Effective 7/26/2012; [O2011-0044](#), Enacted 9/13/2011, Effective 9/15/2011; [O2011-0030](#), Enacted 7/26/2011, Effective 7/29/2011; [O2011-0022](#), Enacted 4/5/2011, Effective 4/8/2011; [O2011-0018](#), Enacted 3/8/2011, Effective 3/15/2011; [O2011-0014](#), Enacted 4/26/2011, Effective 5/3/2011; [O2011-0006](#), Enacted 1/11/2011, Effective 1/19/2011; [O2011-0002](#), Enacted 1/3/2011, Effective 1/10/2011)

Section 501.15 Requirements of Contractors

A. On federally or state funded projects, which require the County to comply with specific federal and/or state criteria or forms for certifications by the successful contractor(s), the County shall comply with the federal and/or state requirements to avoid the loss of federal or state funds, including the use of the federal and/or state certification forms in lieu of the County's mandated certification forms. Where possible on federally or state funded projects and on all other projects, at the time of execution of the contract, the successful contractor shall:

1. for public improvements contracts, the contractor shall be in compliance with Ohio's Drug-Free Workplace requirements as provided in Ohio Revised Code Section 153.03. All contractors shall maintain a written substance abuse policy to which its personnel are subject on the contract (the successful contractor shall provide this policy upon request);
2. for public improvement contracts, the contractor shall not have an Experience Modification Rating greater than 1.5 with respect to the Bureau of Workers Compensation risk assessment rating;
3. the contractor shall be in compliance and will remain in compliance with Federal and Ohio Equal Opportunity Employment Laws;
4. for public improvement contracts, the contractor shall pay the prevailing wage rate and comply with other provisions set forth in Sections 4115.03 through 4115.16 of the Ohio Revised Code and Sections 4101:9-4-01 through 4101:9-4-28 of the Ohio Administrative Code, including but not limited to the filing of certified payroll reports;
5. for public improvement contracts, the contractor shall not have been debarred from public contracts for prevailing wage violations or found or determined by the state to have underpaid the required prevailing wage, whether intentionally or unintentionally, even if settled subsequent to the finding, more than three times in the last ten years, provided that, when aggregating for any single project, no finding of an underpaid amount of less than \$1,000.00 shall be considered, and no single finding based upon a journeyman-to-apprenticeship ratio shall be considered a violation of this provision unless as part of multiple, similar findings;

6. the contractor shall not have been penalized or debarred from any federal, state, or local public contract or falsified certified payroll records, have an Adverse Determination of Wage Theft or Payroll Fraud as defined in Section 505.03(B)(4) of this Code, or has otherwise been found, after appeals, to have violated the Fair Labor Standards Act in the past seven years, or during the contractor's entire time of doing business, if less than seven years;
7. the contractor shall not have violated any unemployment or workers compensation law during the past five years, or during the contractor's entire time of doing business, if less than five years;
8. the contractor at the time of contract award, shall not have final, unsatisfied judgments against it which in total amount to 50% or more of the contract amount;
9. the contractor shall utilize, for work performed under the contract supervisory personnel that have three or more years of experience in the specific trade and who maintain the appropriate state license(s), if any;
10. the contractor shall be properly licensed to perform all work as follows
 - a. if performing a trades contract, shall be licensed pursuant to Ohio Revised Code Section 4740 as a heating, ventilating, and air conditioning contractor, refrigeration contractor, electrical contractor, plumbing contractor, or hydronics contractor;
 - b. if performing work regulated under Section 3737.65 of the Ohio Revised Code, be certified by the State Fire Marshall; and
 - c. if performing work under any other trade, occupation, or profession licensed under Title 47 of the Ohio Revised Code, be licensed for that trade, occupation, or profession as provided in the Ohio Revised Code;
11. the contractor shall, if performing a trade contract pursuant to Ohio Revised Code Section 4740, not subcontract more than 25% of the labor, excluding materials, for its awarded contract, unless to subcontractors also licensed pursuant to Ohio Revised Code Section 4740 or certified by the State Fire Marshall pursuant to Ohio Revised Code Section 3737.65;
12. the contractor shall provide access as needed and allow the Agency of the Inspector General to perform the functions provided for in Section 501.21 of the County Code; and
13. the contractor shall require all of its subcontractors, at the time of execution of a subcontract, to make all of the certifications required in Section 501.15(A), except for Subsections 7 and 9, of the County Code.

B. If any material breach of contractual obligations or the certifications provided for in this Section occurs during the contract performance by the contractor, the County may exercise any or all contractual remedies, including, but not limited to, contract termination for cause.

(Ordinance Nos. [O2023-0009](#), Enacted 5/23/2023, Effective 5/24/2023; [O2017-0004](#), Enacted 10/24/2017, Effective 10/26/2017; [O2012-0015](#), Enacted 7/24/2012, Effective 7/26/2012; [O2011-0044](#), Enacted 9/13/2011, Effective 9/15/2011; [O2011-0030](#), Enacted 7/26/2011, Effective 7/29/2011; [O2011-0022](#), Enacted 4/5/2011, Effective 4/8/2011; [O2011-0018](#), Enacted 3/8/2011, Effective 3/15/2011; [O2011-0014](#), Enacted 4/26/2011, Effective 5/3/2011; [O2011-0006](#), Enacted 1/11/2011, Effective 1/19/2011; [O2011-0002](#), Enacted 1/3/2011, Effective 1/10/2011)

Section 501.16 Retention of Experts and Consultants

The County Executive may enter into contracts with experts or consultants in connection with the administration of the affairs of the County, as provided for in Article 3, Section 9, Subsection 3 of the Cuyahoga County Charter, subject to the approval process and other requirements regarding contracts provided for in Chapter 501 of the County Code and the specific notice requirement provided for in Section 501.23(D) of this Chapter.

(Ordinance Nos. [O2012-0015](#), Enacted 7/24/2012, Effective 7/26/2012; [O2011-0044](#), Enacted 9/13/2011, Effective 9/15/2011; [O2011-0030](#), Enacted 7/26/2011, Effective 7/29/2011; [O2011-0022](#), Enacted 4/5/2011, Effective 4/8/2011; [O2011-0018](#), Enacted 3/8/2011, Effective 3/15/2011; [O2011-0014](#), Enacted 4/26/2011, Effective 5/3/2011; [O2011-0006](#), Enacted 1/11/2011, Effective 1/19/2011; [O2011-0002](#), Enacted 1/3/2011, Effective 1/10/2011)

Section 501.17 Legal Review and Approval by the Law Department

All contracts, purchases, sales, leases, grants, or loans must undergo legal review before being executed. Use of a standard form, approved in advance by the Law Department, for a specific type of transaction shall satisfy the requirement of this section.

(Ordinance Nos. [O2012-0015](#), Enacted 7/24/2012, Effective 7/26/2012; [O2011-0044](#), Enacted 9/13/2011, Effective 9/15/2011; [O2011-0030](#), Enacted 7/26/2011, Effective 7/29/2011; [O2011-0022](#), Enacted 4/5/2011, Effective 4/8/2011; [O2011-0018](#), Enacted 3/8/2011, Effective 3/15/2011; [O2011-0014](#), Enacted 4/26/2011, Effective 5/3/2011; [O2011-0006](#), Enacted 1/11/2011, Effective 1/19/2011; [O2011-0002](#), Enacted 1/3/2011, Effective 1/10/2011)

Section 501.18 Appropriation, Warrant Procedures and Payment Methodology

All expenditures related to any contract, purchase, sale, lease, grant, or loan must be made in accordance with the appropriation and proper warrant provisions of Section 5705.41 of the Ohio Revised Code. Notwithstanding any contrary requirements of the Ohio Revised Code and without regard to the transaction's dollar amount, provided that any prerequisite approvals are obtained pursuant to this Chapter, the County shall be free to utilize any payment methodology approved by the Fiscal Officer, including, but not limited to, the use of credit cards, electronic transfers, p-cards, and vouchers.

In any case in which a contract is entered upon a per unit basis, the head of the department, board, or commission for the benefit of which the contract is made shall make an estimate of the total amount to become due upon such contract, which estimate shall be certified in writing to the Fiscal Officer. Such contract may be entered into if the appropriation covers such estimate, or so much thereof, as may be due during the current year. In such a case, the certificate of the Fiscal Officer based upon the estimate shall be a sufficient compliance with the law requiring a certificate.

(Ordinance Nos. [O2014-0037](#), Enacted 5/26/2015, Effective 5/28/2015; [O2012-0015](#), Enacted 7/24/2012, Effective 7/26/2012; [O2011-0044](#), Enacted 9/13/2011, Effective 9/15/2011; [O2011-0030](#), Enacted 7/26/2011, Effective 7/29/2011; [O2011-0022](#), Enacted 4/5/2011, Effective 4/8/2011; [O2011-0018](#), Enacted 3/8/2011, Effective 3/15/2011; [O2011-0014](#), Enacted 4/26/2011, Effective 5/3/2011; [O2011-0006](#), Enacted 1/11/2011, Effective 1/19/2011; [O2011-0002](#), Enacted 1/3/2011, Effective 1/10/2011)

Section 501.19 Registration, Ethics Training, and Certification

A. No contract shall be entered into unless all the provisions of State and County laws related to ethics policy have been met.

B. Registration.

Except as provided in Subsection (B), every contractor whose annual aggregate amount of contracting with the County exceeds ten thousand dollars (\$10,000) shall register with the Inspector General prior to doing business with the County. Registration shall take place prior to entering any contract that would bring a Contractor's annual aggregate amount above ten thousand dollars (\$10,000). Contractors shall re-register every four (4) calendar years. Every registered contractor shall pay a registration filing fee of one hundred dollars (\$100.00). Contractors shall be responsible for keeping track of their annual aggregate amount of contracting with the County. Each registered contractor must provide to the Inspector General the contractor's corporate name, federal tax identification number, address, names of the contractor's principals, and any other information as may be required by the Inspector General, unless such information is explicitly exempt from disclosure by this Code or general law. Fees collected pursuant to this section shall support the Inspector General's cost of administering the contractor and lobbyist registries.

C. Ethics Training and Certification.

1. Every contractor whose annual aggregate amount of contracting with the County exceeds ten thousand dollars (\$10,000) shall complete an ethics training program, including information regarding wage theft laws, prescribed by the Inspector General prior to doing business with the County. The Department of Consumer Affairs shall partner with Ohio Means Jobs and/or any successor organization to inform county residents of their workplace rights under federal, state, and local law.
2. Upon successful completion of any ethics training program, contractors shall acknowledge, electronically or in writing, that they have received, read, understood, and agree to abide by the County ethics policy, including the provisions of this Title, Ohio Revised Code Chapter 102 and Ohio Revised Code Sections 2921.42 and 2921.43.
3. Ethics training certification shall expire on December 31 of the respective year that is four (4) calendar years following the date of the ethics training. A contractor may only renew its ethics training certification by completing a subsequent ethics training program prescribed by the Inspector General. Any contractor who fails to renew its ethics training certification shall be removed from the registry of approved contractors.

D. No approval authority shall award a contract to any contractor who fails to comply with the requirements of this Section.

E. Notwithstanding paragraphs (A) through (C), the following entities shall not be

mandated to comply with the requirements of this Section and shall not be required to pay the registration filing fee:

1. Political subdivisions, public utilities, and other governmental entities.
2. Persons or entities that receive either direct payments or reimbursements from the County for the emergency purchase of items required to serve basic needs, including, but not limited to, temporary foster care providers and grocery or department stores that accept vouchers for basic needs.
3. Court reporters or expert witnesses in connection with civil litigation or criminal prosecution.
4. Persons or entities that receive County funds through a County-sponsored rebate program, including, but not limited to, the County Storefront Renovation Rebate Program.
5. Accrediting bodies.

F. The Inspector General may, on his or her own initiative or upon request, grant exemptions from the registration and/or training requirements of this Section with the approval of the Board of Control. Requests for exemptions shall be submitted to the Inspector General. Should either the Inspector General or the Board of Control deny an exemption request, the aggrieved party may appeal the decision to the full Council.

(Ordinance Nos. [O2023-0009](#), Enacted 5/23/2023, Effective 5/24/2023; [O2016-0002](#), Enacted 4/26/2016, Effective 5/27/2016; [O2012-0015](#), Enacted 7/24/2012, Effective 7/26/2012; [O2011-0044](#), Enacted 9/13/2011, Effective 9/15/2011; [O2011-0030](#), Enacted 7/26/2011, Effective 7/29/2011; [O2011-0022](#), Enacted 4/5/2011, Effective 4/8/2011; [O2011-0018](#), Enacted 3/8/2011, Effective 3/15/2011; [O2011-0014](#), Enacted 4/26/2011, Effective 5/3/2011; [O2011-0006](#), Enacted 1/11/2011, Effective 1/19/2011; [O2011-0002](#), Enacted 1/3/2011, Effective 1/10/2011)

Section 501.20 Unlawful Interest in a Public Contract

Any contract entered into in violation of Ohio Revised Code Section 2921.42(H) and/or related provisions of the County Code concerning unlawful personal interest in a public contract shall be void and unenforceable.

(Ordinance Nos. [O2012-0015](#), Enacted 7/24/2012, Effective 7/26/2012; [O2011-0044](#), Enacted 9/13/2011, Effective 9/15/2011; [O2011-0030](#), Enacted 7/26/2011, Effective 7/29/2011; [O2011-0022](#), Enacted 4/5/2011, Effective 4/8/2011; [O2011-0018](#), Enacted 3/8/2011, Effective 3/15/2011; [O2011-0014](#), Enacted 4/26/2011, Effective 5/3/2011; [O2011-0006](#), Enacted 1/11/2011, Effective 1/19/2011; [O2011-0002](#), Enacted 1/3/2011, Effective 1/10/2011)

Section 501.21 Inspector General's Authority

The Inspector General shall have the power to audit, investigate, inspect and review the operations, activities, and performance of the contracting and procurement processes of Cuyahoga County government in order to detect corruption and fraud and ensure compliance with the County Code and state and county ethics laws relating to contracting and procurement. Areas within the purview of such power shall include the following:

1. the establishment of bid specifications;
2. bid submittals;
3. activities of contractors, including their departments, agents, and employees that specifically relate to performance on a contract with the county; and
4. relevant activities of public officials and employees of the county.

Provided that, in the reasonable judgment of the Inspector General's agency, doing so does not jeopardize any existing or anticipated investigation, the Inspector General's agency shall promptly report any wrongdoing to the County Executive, the County Council, Director of Public Works, the Director of Procurement and Diversity, the Director of Law, the Prosecuting Attorney, and other appropriate officials, as needed, to ensure that proper action is taken in response to its findings.

(Ordinance Nos. [O2021-0008](#), Enacted 5/25/2021, Effective 5/25/2021; [O2012-0015](#), Enacted 7/24/2012, Effective 7/26/2012; [O2011-0055](#), Enacted 12/6/2011, Effective 12/8/2011; [O2011-0046](#), Enacted 9/27/2011, Effective 9/29/2011; [O2011-0044](#), Enacted 9/13/2011, Effective 9/15/2011; [O2011-0030](#), Enacted 7/26/2011, Effective 7/29/2011; [O2011-0022](#), Enacted 4/5/2011, Effective 4/8/2011; [O2011-0018](#), Enacted 3/8/2011, Effective 3/15/2011; [O2011-0014](#), Enacted 4/26/2011, Effective 5/3/2011; [O2011-0006](#), Enacted 1/11/2011, Effective 1/19/2011; [O2011-0002](#), Enacted 1/3/2011, Effective 1/10/2011)

Section 501.22 Purchasing Policy and Procedure Manual

The County Executive shall promulgate regulations to be implemented by the Office of Procurement and Diversity governing purchasing and contracting policies and procedures. The regulations shall be adopted in accordance with Chapter 113 of the County Code.

(Ordinance Nos. [O2014-0037](#), Enacted 5/26/2015, Effective 5/28/2015; [O2012-0015](#), Enacted 7/24/2012, Effective 7/26/2012; [O2011-0044](#), Enacted 9/13/2011, Effective 9/15/2011; [O2011-0030](#), Enacted 7/26/2011, Effective 7/29/2011; [O2011-0022](#), Enacted 4/5/2011, Effective 4/8/2011; [O2011-0018](#), Enacted 3/8/2011, Effective 3/15/2011; [O2011-0014](#), Enacted 4/26/2011, Effective 5/3/2011; [O2011-0006](#), Enacted 1/11/2011, Effective 1/19/2011; [O2011-0002](#), Enacted 1/3/2011, Effective 1/10/2011)

Section 501.23 Notification Requirements

A. Procurement Database.

The County Executive shall develop, maintain, and post on the county's website a procurement database, which shall include two separate parts, which shall contain descriptions of:

1. all executed contracts, purchases, and sales, other than real estate transactions, for \$1000.00 or more; and
2. all executed purchases, sales, leases (as either lessor or lessee) of real estate. The database shall be searchable by purpose, vendor, purchaser, dollar amount, funding source, department, transaction date, and other relevant factors.

B. Grants and Loans Database.

The County Executive shall develop, maintain, and post on the county's website a grants and loans database, which shall include two separate parts, which shall contain descriptions of:

1. all grants and loans received, searchable by purpose, funding source, department, date of receipt, length of term, and other relevant factors; and
2. all grants and loans provided, searchable by purpose, recipient, funding source, department, date provided, and other relevant factors.

C. Pending Transactions Database.

The County Executive shall develop, maintain, and post on the county's website a pending transactions database, which shall include four separate parts, describing all pending transactions of \$50,000.00 or more which have been initiated by formal, public action but not yet completed, as follows:

1. contracts, purchases, and sales, other than real estate transactions,
2. real estate transactions,
3. grants and loans to be received, and
4. grants and loans to be provided.

The database shall provide a log of date and event for each major step in the process for each transaction and shall be searchable by purpose, department, date of initiation, funding source, and other relevant factors.

D. Special Procurement Events Database.

The County Executive shall develop, maintain and post on the county's website a special procurement events database, which shall include two parts, as follows:

1. Any time that the County Executive initiates formal, public action to contract for goods or services that are substantially different from goods or services that the county currently contracts for or has contracted for within the last three years. Contracting to achieve the same purpose using improved technology shall not require notice under this subsection unless the new technology is sufficiently different so as to constitute an entirely new product; and
2. Any time that the County Executive initiates formal public action to contract for the services of experts or consultants as provided for in Article 3, Section 9, Subsection 3 of the Charter.

The County Executive shall promptly send specific notice to the County Council whenever any of these events occur.

E. Notification to County Councilperson.

Whenever the County Executive initiates the formal, public action for a contract, purchase, sale, lease, grant, or loan with an expected value of \$25,000.00 or more that is located in or primarily affects a particular County Council District, the County Executive shall provide written notification to the Councilperson from that district.

F. Timeline for Databases and Notifications.

The County shall exercise best efforts to ensure that the databases provided for in Sections 501.23(A) through 501.23(D) of this Chapter are in operation and posted on the County's website and the notification process provided for in Section 501.23(E) of this Chapter are in operation starting not later than September 30, 2011, with the exception that the searchable features of the databases are in operation no later than March 31, 2012. Prior to the required initiation dates for the databases and notification processes provided for in Sections 501.23(A) through 501.23(E) of this Chapter, the County Executive shall use available resources to make available to the County Council and the public as much as possible of the information required in these sections.

G. Historical Information not Required in Databases.

The databases provided for in Sections 501.23(A) and 501.23(B) of this Chapter shall be required to include only transactions executed on or after the initiation date of each part of these databases. The databases provided for in Sections 501.23(C) and 501.23(D) shall be required to include only transactions initiated by formal, public action on or after the initiation date of each part of these databases.

H. Exclusion of Confidential Information.

Notwithstanding any other provisions of this Chapter, the databases provided for in Sections 501.23(A), (B), (C), and (D) of this Chapter shall not include any information required to be kept confidential by federal or state law or federal or state administrative rule and may exclude any other information that is not a public record according to Section 149.43 of the Ohio Revised Code.

I. Notice of Executed Contracts, Purchases and Sales.

On or about the 5th calendar day prior to each regular meeting of County Council, the Executive shall provide the County Council a list of all contracts, purchases or sales executed and all grants or loans made or received for more than \$50,000.00 since the previous list was provided. Any change or amendment in which the total additions exceed \$50,000.00 shall also be included. Provided that all other requirements of this Chapter have been met, this list does not need to be provided prior to the transactions being executed.

(Ordinance Nos. [O2021-0008](#), Enacted 5/25/2021, Effective 5/25/2021; [O2012-0015](#), Enacted 7/24/2012, Effective 7/26/2012; [O2011-0044](#), Enacted 9/13/2011, Effective 9/15/2011; [O2011-0030](#), Enacted 7/26/2011, Effective 7/29/2011; [O2011-0022](#), Enacted 4/5/2011, Effective 4/8/2011; [O2011-0018](#), Enacted 3/8/2011, Effective 3/15/2011; [O2011-0014](#), Enacted 4/26/2011, Effective 5/3/2011; [O2011-0006](#), Enacted 1/11/2011, Effective 1/19/2011; [O2011-0002](#), Enacted 1/3/2011, Effective 1/10/2011)

Chapter 502: Cuyahoga County Based Business Preference Program

Section 502.01 Program

There is hereby created a Cuyahoga County Based Business (CCBB) Preference Program.

(Ordinance No. [O2012-0020](#), Enacted 11/27/2012, Effective 12/28/2012)

Section 502.02 Definitions

For purposes of Chapter 502 of the Cuyahoga County Code, a Cuyahoga County Based Business means:

A. an individual, domestic corporation, sole proprietorship, partnership, or joint venture whose principal place of business has been located in Cuyahoga County for at least three (3) years as registered in official documents filed with the Secretary of State of Ohio or the Cuyahoga County Fiscal Office. If one party to a joint venture has its principal place of business in Cuyahoga County, the joint venture shall be considered as having its principal place of business in Cuyahoga County; or

B. a business organization with a “significant economic presence” in Cuyahoga County. For purposes of this Chapter, “significant economic presence” means a business organization that has for at least three years

1. Had a sales office, division, sales outlet or manufacturing facility in Cuyahoga County; and
2. Pays required taxes to Cuyahoga County; and
3. Has an annual gross payroll in Cuyahoga County of at least \$100,000.00.

(Ordinance No. [O2012-0020](#), Enacted 11/27/2012, Effective 12/28/2012)

Section 502.03 Match-Price Preference Option for Cuyahoga County Based Business

Unless otherwise prohibited by state, federal or local law, or condition of said funding, when the County has solicited bids and is determining the lowest price or the lowest evaluated price for purposes of awarding a purchase, agreement or a contract, and the lowest price or lowest evaluated price is submitted by a non-Cuyahoga County business, a Cuyahoga County Based

Business whose bid is within two (2) percent of the lowest bid submitted by a non-Cuyahoga County Based Business bidder shall be given the option to match the lowest bid. The option to match shall remain open for five (5) business days. If there are more than one bid from a Cuyahoga County Based Business within the two (2) percent, the opportunity to match shall go to the lower priced bid by the Cuyahoga County Based Business. If there are more than one bid from a Cuyahoga County Based Business within the two (2) percent that are equal in price, the County shall allow all bidders to provide a new bid price within two (2) business days, and the evaluation will proceed based on the new pricing.

(Ordinance No. [O2012-0020](#), Enacted 11/27/2012, Effective 12/28/2012)

Section 502.04 SBE Certification and CCBB Qualification

When a business has been certified as a county SBE, and provided it meets the other definitional requirements of Section 502.02, the business may qualify as a CCBB after at least one (1) year of continuous operation in Cuyahoga County, rather than the three (3) years required in Section 502.02.

(Ordinance No. [O2012-0020](#), Enacted 11/27/2012, Effective 12/28/2012)

Section 502.05 One Preference to Apply

If a business qualifies for both the SBE preference and the County Based Business Preference on a particular purchase, contract or agreement, only the larger preference shall apply.

(Ordinance No. [O2012-0020](#), Enacted 11/27/2012, Effective 12/28/2012)

Section 502.06 Application

The Cuyahoga County Based Business Preference Program applies solely to an entity with which the County is directly entering into a purchase, agreement, or contract, and not to subcontractors.

(Ordinance No. [O2012-0020](#), Enacted 11/27/2012, Effective 12/28/2012)

Section 502.07 Cuyahoga County Based Business Form

A. The Office of Procurement and Diversity is directed to create a Cuyahoga County Based Business form, which shall be submitted by any entity desiring to participate in the Cuyahoga County Based Business Preference Program.

B. Any entity desiring to participate in the Cuyahoga County Based Business Preference Program must submit, with and at the time of the bid, proposal or qualifications, a completed, signed and notarized Cuyahoga County Based Business form.

(Ordinance No. [O2012-0020](#), Enacted 11/27/2012, Effective 12/28/2012)

Section 502.08 Verification of Information and Denial of Designation

The Director of the Department of Equity and Inclusion is hereby authorized to investigate and verify any information submitted with the Cuyahoga County Based Business form and may reject the designation of a Cuyahoga County Based Business if he or she believes the information on the form is inaccurate or the entity is ineligible to be designated as a Cuyahoga County Based Business. The Director of the Department of Equity and Inclusion may request additional information prior to approving or rejecting the designation of a Cuyahoga County Based Business.

(Ordinance Nos. [O2021-0008](#), Enacted 5/25/2021, Effective 5/25/2021; [O2012-0020](#), Enacted 11/27/2012, Effective 12/28/2012)

Section 502.09 Appeal of Denial of Designation

If a designation of a Cuyahoga County Based Business is denied by the Director of the Department of Equity and Inclusion, the entity may submit a written complaint or appeal to the Director of the Department of Equity and Inclusion who shall notify the SBE Grievance Hearing Board. The written complaint or appeal by the entity shall be made within five (5) days to the Director of the Department of Equity and Inclusion upon receipt of the Director of the Department of Equity and Inclusion's decision. The SBE Grievance Hearing Board shall make every effort to hold the hearing no more than twenty (20) days from the date of receipt of the written complaint or appeal from the entity.

(Ordinance Nos. [O2021-0008](#), Enacted 5/25/2021, Effective 5/25/2021; [O2012-0020](#), Enacted 11/27/2012, Effective 12/28/2012)

Section 502.10 Effect of Denial of Designation

If a designation of a Cuyahoga County Based Business is denied by the Director of the Department of Equity and Inclusion and/or the SBE Grievance Hearing Board, the entity cannot reapply for designation as a Cuyahoga County Based Business for a period of one (1) year from the date of the notice of denial.

(Ordinance Nos. [O2021-0008](#), Enacted 5/25/2021, Effective 5/25/2021; [O2012-0020](#), Enacted 11/27/2012, Effective 12/28/2012)

Section 502.11 Waiver

The County may choose not to apply the County based Business Program to any particular purchase, agreement or contract by a Resolution of Council enacted prior to the beginning of the purchase process, or issuance of the RFQ, RFP, or bid package.

(Ordinance No. [O2012-0020](#), Enacted 11/27/2012, Effective 12/28/2012)

Section 502.12 Biennial Review

The Department of Equity and Inclusion shall conduct a biennial review of the economic and budgetary impacts of the Cuyahoga County Based Business Program and shall submit the results to Council during the biennial budget process beginning in 2013.

(Ordinance Nos. [O2021-0008](#), Enacted 5/25/2021, Effective 5/25/2021; [O2012-0020](#), Enacted 11/27/2012, Effective 12/28/2012)

Chapter 503: Small Business Enterprise Program Policies and Procedures

Section 503.01 Policies and Procedures Manual

The revised Cuyahoga County Small Business Enterprise (SBE) Program Policies and Procedures Manual, attached to Ordinance No. O2021-0013 as Exhibit A, is hereby adopted effective 11/15/2021.

The Cuyahoga County Minority Business Enterprise (MBE) & Women Business Enterprise (WBE) Program Policies and Procedures Manual, attached to Ordinance No. O2021-0013 as Exhibit B, is hereby adopted effective 11/15/2021.

(Clerk's Note: A true copy of the Small Business Enterprise Program Policies and Procedures Manual is attached to Ordinance No. O2021-0013 below)

(Ordinance Nos. [O2021-0013](#), Enacted 11/10/2021, Effective 11/10/2021; [O2014-0002](#), Enacted 02/11/2014, Effective 02/18/2014; [O2011-0054](#), Enacted 12/13/2011, Effective 12/14/2011)

Section 503.02

A. The Small Business Enterprise Program is hereby expanded to allow the Department of Equity and Inclusion to set aspirational Minority Business Enterprise and /or Women Business Enterprise subcontractor participation goals for every Request for Bid, Request for Proposal, and Request for Qualifications issue by the County based upon available information including, but not limited to, the disparity study.

B. "Minority Business Enterprise" or "MBE" means an individual, domestic corporation, sole proprietorship, partnership, joint venture, entity or company that is at least 51% owned by one or more individuals who are African American, Hispanic American, Native American, Asian-Pacific American or Asian-Indian American; and whose management and daily business operations are controlled by one or more of these owners as determined by the Department of Equity and Inclusion.

C. "Women Business Enterprise" or "WBE" means an individual, domestic corporation, sole proprietorship, partnership, joint venture, entity or company that is at least 51% owned by one or more women and whose management and daily business operations are controlled by one or more of these owners as determined by the Department of Equity and Inclusion.

(Ordinance Nos. [O2021-0008](#), Enacted 5/25/2021, Effective 5/25/2021; [O2016-0005](#), Enacted 4/26/2016, Effective 4/27/2016)

Section 503.03

A. In consideration of the right and privilege to submit a bid or proposal on construction projects and other contracts with Cuyahoga County, at the time of submitting a proposal or bid, each participant shall be required to present appropriate documentation. The documents described below must be completed and signed by each Participant before a proposal or bid can be considered responsive:

1. Covenant of Non-Discrimination: Each Participant must submit a duly executed and attested Covenant of Non-Discrimination (MBE/WBE-1) on a form prescribed by the Department of Equity and Inclusion. This written instrument shall contain promises, declarations and/or affirmations made by the Participant. The completed document must contain an original signature and date of signature.
2. MBE/WBE Subcontractor Participation Plan: Each Participant must submit a duly executed, affirmed, and certified Subcontractor Participation Plan (MBE/WBE-2) on a form prescribed by the Department of Equity and Inclusion for each MBE/WBE subcontractor proposed. Copies and/or facsimiles of MBE/WBE-2 submitted with bids/proposals are acceptable BUT all required signatures must be dated as indicated. Also, please note the following:
 - a. Certified MBE/WBEs who are bidding as prime contractors MUST complete and submit the top portion of Form MBE/WBE-2 to guarantee MBE/WBE credit.
 - b. MBE/WBEs with multiple geographical locations shall enter the Cuyahoga County address and contact information on Form MBE/WBE-2.
 - c. Prime vendors are PROHIBITED from using MBE/WBE(s) with whom the prime vendor has a familial relationship, joint or co-ownership, common partners, officers, or a shareholder relationship to meet the MBE/WBE Participation Goal. Hence, on Cuyahoga County projects/contracts, any portion of work subcontracted to a MBE/WBE vendor by a prime vendor that meets the above-mentioned criteria will NOT count towards the achievement of the established MBE/WBE Participation Goal.

B. Use of 2nd Tier Subcontractors: In the event that a subcontractor portions out work and utilizes the services of a sub-subcontractor or vendor, the prime contractor shall be required to report this use to the Department of Equity and Inclusion. For reporting purposes, the prime contractor shall report statistical data for the sub-subcontractor or sub-vendor, including race, gender, business size, area of specialization, dollar value, description of services or products purchased, and contact information. No MBE/WBE subcontractor will be permitted to subcontract more than 25% of their subcontract work (based on dollar value) without prior approval by the Department of Equity and Inclusion.

C. Other Information and Data: The Department of Equity and Inclusion may request additional information and data prior to a contract award. This information may include, but is not limited to, information regarding business ownership of all subcontractors to be utilized on the project, all of which shall reflect the race, gender, location, size, and area of specialization and structure of the identified businesses.

Aggressive “Good Faith Efforts” to include MBE/WBEs in the procurement process are required of all Participants. These Good Faith Efforts should be in addition to the Participant’s regular and customary solicitation process of contact with potential subcontractors and/or vendors.

D. Written Notice to MBE/WBEs: To demonstrate good faith efforts, a Participant shall deliver written or electronic notice to potential, MBE/WBEs. MBE/WBEs should be contacted not less

than one (1) week before the bid or proposal due date. Names, addresses, and telephone numbers for available MBE/WBEs may be obtained by contacting the Department of Equity and Inclusion or reviewing the database on the Department of Purchasing website.

The written or electronic notice sent to potential subcontractors or vendors shall contain the following:

1. Sufficient information about the plans, specifications, and relevant terms and conditions of the solicitation. This should include information about the work which will be subcontracted or the goods which will be obtained from subcontractors and suppliers;
2. A contact person knowledgeable of the project scope documents, within the Participant's office, to answer questions about the conditions of the contract;
3. Information as to the Participant's bonding requirements; and
4. The deadline for price quotations.

E. Evaluation of Good Faith Efforts: In evaluating good faith efforts, the Department of Equity and Inclusion will determine whether the Participant has made reasonable good faith efforts to obtain MBE/WBE participation as part of its bid or proposal. The Department of Equity and Inclusion may evaluate not only the different kinds of efforts made by a Participant, but also the quantity and intensity of those efforts. One method of evaluation will be whether the MBE/WBE goal has been met. Prime Contractors and any Participant herein shall be required to affirm and certify that information is correct in their bid/proposal and that they will meet or exceed the MBE/WBE Subcontractor Plan submitted with their bid/proposal. Prime Contractors also shall be required to report statistical data for its employees and proposed subcontractors that include race, gender, business size, area of specialization, dollar value, description of services or products purchased and contact information. Such information shall be certified and affirmed by the Prime Contractor when it submits the bid/proposal.

The Department of Equity and Inclusion will consider a completed Good Faith Effort Certification (MBE/WBE-3) as evidence of a Participant's good faith in trying to obtain MBE/WBE participation in a bid or proposal.

F. Required Documentation: To demonstrate good faith efforts, Participants shall keep detailed records of all correspondence and responses thereto, logs of all telephone calls made and received regarding the project or contract, confirmation receipts for fax transmissions, receipts from registered or certified mail, copies of advertisements in publications and other media, and other relevant papers required by this Program.

G. Good Faith Effort Certification: Participant must submit a completed Good Faith Certification (MBE/WBE-3) ONLY if the MBE/WBE Participation Goal is not met. In the MBE/WBE-3 form, Participant must certify that it interviewed and seriously considered MBE/WBEs and provide supporting documentation of that fact. Additional documentation demonstrating a good faith effort must accompany this document. The completed document must contain an original signature, notarizations, and date of signature.

H. Award of Contract: Proposals/ bids may be rejected and projects re-submitted for the sole purpose of attaining goals where inadequate "good faith effort" has been demonstrated. Cuyahoga County reserves the right to determine the action to be taken on the contract if a goal is not met, including rejecting any or all bids or proposals. If an awarded contract is later amended for additional dollars, MBE/WBE subcontractor participation should still reflect the percentage of dollars originally contracted for.

When evaluating a bid to determine the lowest and best bid, the County may consider, in addition to all of the other factors, whether a bid is MBE/WBE compliant; provided, however, that such MBE/WBE compliance shall not be considered if the difference between the MBE/WBE-compliant bid and the lowest responsive bid is more than the price preference specified below.

Lowest Bid Received Range (\$)	Price Preference (%) & Limit	Price Preference (\$)
0 – 500,000	10%	0 – 50,000
500,000.01 – 1,000,000	10% up to max \$80,000 (10-8)	50,000.01 – 80,000
1,000,000.01 – 3,000,000	8% up to max \$210,000 (8-7)	80,000.01 – 210,000
3,000,000.01 – 5,000,000	7% up to max \$250,000 (7-5)	210,000.01 – 250,000
>5,000,000	\$250,000 maximum (≤5)	250,000 maximum

(Ordinance Nos. [O2021-0008](#), Enacted 5/25/2021, Effective 5/25/2021; [O2016-0005](#), Enacted 4/26/2016, Effective 4/27/2016)

Section 503.04

All participants are subject to the Monitoring and Post-Award Reporting, Grievance Process, Sanctions and Penalties for Non-Compliance provisions of Cuyahoga County Code Section 503.01.

(Ordinance No. [O2016-0005](#), Enacted 4/26/2016, Effective 4/27/2016)

Section 503.05

A. Exclusions. This policy shall not apply to the following:

1. “Sole Source” procurements under the Cuyahoga County ordinances which by their very nature limit the source of supply to one vendor.
2. County purchases from political subdivisions/government entities;
3. County purchases off state contracts, off federal contracts, and from joint purchasing programs.
4. The acquisition of any interest in real property including lease holdings.
5. Direct and indirect employee payments including payroll expenditures, pensions and unemployment compensation and other employee-related expenditures;
6. Any other categories and subcategories of goods and services Cuyahoga County may from time to time establish as excluded contracts upon recommendation of the Director of the Department of Purchasing and approval by the Cuyahoga County Executive and Cuyahoga County Council.

B. Application for Waiver. If the Contractor, consultant, supplier or vendor does not meet the project goal, the bidder or offer or may seek a partial or total waiver of the project goal. The application for waiver of all or part of the project goal shall include full documentary evidence of the Participant’s good faith efforts to meet the project goal and why the request for waiver should be granted. The application shall be notarized and submitted as a part of the bid or offer. Additional explanation, affidavits, exhibits or other materials may be required by the MBE/WBE

Program to substantiate good faith efforts. Waivers may also be granted by the Department of Equity and Inclusion for an acceptable explanation as to why the goals should be waived.

C. Waiver for Detriment to Public Health, Safety or Financial Welfare. The MBE/WBE goal may be waived if the same causes a detriment to public health, safety or the financial welfare of the County. The MBE/WBE may also be waived by the Department of Equity and Inclusion in the event available MBE/WBEs provide price quotes which are unreasonably high in that they exceed competitive levels beyond amounts which can be attributed to cost, overhead and profit.

(Ordinance Nos. [O2021-0008](#), Enacted 5/25/2021, Effective 5/25/2021; [O2016-0005](#), Enacted 4/26/2016, Effective 4/27/2016)

Section 503.06

The Department of Equity and Inclusion may prepare and/or amend forms to carry out the actions described herein. The forms shall be similar or the same as those that other governments, like the State and City of Cleveland, already have in place in an effort to make it simple and easy and encourage greater participation.

(Ordinance Nos. [O2021-0008](#), Enacted 5/25/2021, Effective 5/25/2021; [O2016-0005](#), Enacted 4/26/2016, Effective 4/27/2016)

Section 503.07

The Director of the Department of Purchasing or designee reserves the right and discretion to reject any bid or proposal for any reason or all bids or proposals for no reason at all without incurring any liability.

(Ordinance Nos. [O2021-0008](#), Enacted 5/25/2021, Effective 5/25/2021; [O2016-0005](#), Enacted 4/26/2016, Effective 4/27/2016)

Section 503.08 Small Business Set Asides

A. "Set Asides for Small Business Enterprises" are defined as the reserving of some or all of a Request for Bid, Request for Proposal, Request for Qualifications or contract exclusively for participation by Small Business Enterprises as determined by the Department of Equity and Inclusion.

B. The Small Business Enterprise Program set forth in Cuyahoga County Code Section 503.01 is hereby expanded to allow Requests for Bids, Requests for Proposals, Requests for Qualifications, and contracts to contain Set Asides for Small Business Enterprises exclusively for participation by Small Business Enterprises.

C. The Department of Equity and Inclusion may prepare and/or amend forms to carry out the actions described herein. The forms shall be similar to those that other governments, like the State and City of Cleveland, already have in place in an effort to make it simple and easy and

encourage greater participation from SBEs.

D. The Director of the Department of Purchasing or designee reserves the right and discretion to reject any bid or proposal for any reason or all bids or proposals for no reason at all without incurring any liability.

E. Within 90 days of the effective date of this provision, the Department of Equity and Inclusion shall, in collaboration with the Department of Public Works, develop written parameters the County will use to identify contracts or services eligible to be set aside for small business enterprises and shall submit such written parameters to Council. On or before April 1 of each year starting in 2017, the Department of Equity and Inclusion shall issue a report to Council outlining the status of the Small Business Enterprises Program, including the overall impact the program has had on correcting the disparities identified in the 2015 Cuyahoga County Disparity Study.

(Ordinance Nos. [O2021-0008](#), Enacted 5/25/2021, Effective 5/25/2021; [O2016-0004](#), Enacted 4/26/2016, Effective 4/27/2016)

Chapter 504: Alternate Construction Delivery Methods

Section 504.01 Establishment of Alternate Construction Delivery Methods

Notwithstanding the competitive bidding procedures or any other procedures or requirements provided for in the Ohio Revised Code, including, but not limited to Chapter 153 and Sections 307.86 through 307.921 of the Ohio Revised Code, the Ohio Administrative Code, or any other law or regulation, pursuant to the County's home rule powers, the policies and procedures of Cuyahoga County, Ohio relating to construction contracts employing alternate project delivery methods are established as set forth in Chapter 504 of the County Code.

(Ordinance Nos. [O2012-0019](#), Enacted 8/28/2012, Effective 8/31/2012; [O2011-0039](#), Enacted 10/25/2011, Effective 10/28/2011)

Section 504.02 Definitions

As used in Chapter 504, the following words shall have the following meanings unless indicated otherwise or unless the context in which they are used requires a different meaning:

(a) "Architect of record" means the professional design firm that serves as the final signatory on the plans and specifications for a design-build project.

(b) "Board of Control" means the Cuyahoga County Board of Control.

(c) "Building project" means the design, construction, reconstruction, improvement, alteration, installation, demolition or repair of any public building or improvement, including, but not limited to, roadway, bridges, and sewerage.

(d) "Consultant Selection Committee" means the Cuyahoga County Department of Public Works' Consultant Selection Committee.

(e) "Construction management-at-risk" or "construction management-at-risk services" means a construction method wherein a construction management-at-risk firm provides a range of preconstruction services and construction management services that may include cost estimating and consultation regarding the design of the building project, scheduling, the preparation and coordination of bid packages, cost control, value engineering, detailing the subcontractor scope of work, prequalifying and evaluating subcontractors, and holding the subcontracts.

(f) "Construction manager-at-risk" or "Construction management-at-risk firm" means an

individual, corporation, partnership, sole proprietorship, joint venture, limited liability company or other legal entity that provides construction management-at-risk services.

(g) "Construction manager-at-risk contract" means a contract between the County and a construction manager-at-risk that obligates the construction manager-at-risk to provide construction management-at-risk services for a guaranteed maximum price.

(h) "County's project manager" means an individual, corporation, partnership, sole proprietorship, joint venture, limited liability company or other legal entity engaged to provide project management services on behalf of the County for the design and construction of a building project. The County's project manager may be an employee of the County whose assigned responsibility is the management of design and construction of a building project.

(i) "Criteria architect or engineer" means the professional design firm retained by the County to prepare conceptual plans and specifications or a design professional who is an employee of the County, to assist the County in connection with the establishment of the design criteria for a design-build project, and, if requested by the County, to serve as the representative of the County and provide, during the design-build project, other design and construction administration services on behalf of the County, including but not limited to, confirming that the design prepared by the design-build firm reflects the original design intent established in the design criteria package.

(j) "Design-build contract" means a contract between the County and a design-build firm that obligates the design-build firm to provide design-build services.

(k) "Design-build firm" means any individual, corporation, partnership, sole proprietorship, joint venture, limited liability company or other legal entity that provides design-build services.

(l) "Design-build services" means services that form an integrated delivery system for which a design-build firm is responsible to the County for both the design and construction, demolition, alteration, repair, or reconstruction of a building project.

(m) "General contracting" means a construction method wherein a general contracting firm is responsible for constructing and managing a building project under the award of a single aggregate lump sum or guaranteed maximum price contract.

(n) "General contracting firm" means a person that provides general contracting services.

(o) "Guaranteed maximum price" or "GMP" means the agreed maximum dollar amount to be paid by the County for the building project, including the cost of the work, the general conditions, agreed construction contingency and the fees charged by the construction management-at-risk firm, design-build firm or general contracting firm.

(p) "Non-complex building project" means a building project (1) which has limited opportunity for innovation; (2) where work is within the existing right of way or requires minimal temporary right of way on road or bridge projects; (3) for simple maintenance of traffic; (4) for general refurbishing of building space, including, but not limited to, painting, carpeting, addition of walls

and doors and minor electrical and venting; or (5) for the rehabilitation of existing sewer lines.

(q) "one-step design build process" means a construction delivery method in which the County procures the entirety of the design build services in one step using a single request for bidding ("RFB") or request for proposals ("RFP") evaluated by the Department of Public Works' Consultant Selection Committee.

(r) "Professional design firm" shall have the same meaning as set forth in Section 153.65 of the Ohio Revised Code.

(s) "Subcontractor" means any individual, corporation, partnership, sole proprietorship, joint venture, limited liability company, or other legal entity that undertakes to provide any part of the labor, equipment or material of a building project under a contract with the construction management-at-risk firm, design-build firm or general contracting firm.

(t) "two-phase selection process" means a procurement process in which the first phase consists of creating a short list of prequalified firms as determined by responses to a request for qualifications and the second phase consists of inviting firms prequalified in the first phase to submit responses to a request for proposals or a request for bids.

(Ordinance Nos. [O2012-0019](#), Enacted 8/28/2012, Effective 8/31/2012; [O2011-0039](#), Enacted 10/25/2011, Effective 10/28/2011)

Section 504.03 Management-at-Risk Delivery Method

For each contract for any building project, the Director of Public Works may elect to use the construction management-at-risk delivery method, pursuant to Sections 504.03 (A) to (D) of the County Code.

A. Two-Phase Process

1. The Director of Public Works shall utilize a two-phase selection process as provided in this section to select a construction management-at-risk firm to provide construction management-at-risk services.
2. Before issuing a request for qualifications, hereinafter called RFQ, the of Director Public Works shall establish a prequalification committee for the purpose of reviewing and evaluating responses submitted by a construction manager-at-risk to the RFQ. The prequalification committee shall be comprised of the Consultant Selection Committee, one representative of the professional design firm, the County's project manager if the project manager is not a member of the Consultant Selection Committee, and any additional representatives of the County as may be deemed appropriate by the Director of Public Works.
3. The first phase of the two-phase selection process shall begin once the County gives public notice of the building project and solicits responses to an RFQ from construction management-at-risk firms. The public notice and solicitation section shall be advertised

in a newspaper of general circulation in the County or on the County's website. The public notice and solicitation shall be given not less than two weeks before the deadline for submitting responses to the RFQ. The public notice and solicitation shall include:

- a. the time and date of the deadline for receipt of responses to the RFQ and the address of the office to which the responses are to be delivered;
- b. a general description of the project and key factors important to the final selection of the construction management-at-risk firm;
- c. a general description of the scope of services expected of the selected construction management-at-risk firm during the design, pre-construction, construction, and post construction phases of the project;
- d. a general description of the anticipated schedule and estimated construction cost for the building project; and
- e. the criteria for the selection of the construction management-at-risk firm, including minimum experience, requirements for presentations/interviews, and the schedule for the selection process.

4. The County shall require interested construction management-at-risk firms to submit a statement of qualifications in response to the RFQ. The statement of qualifications shall include the following:
 - a. a cover letter or executive summary detailing the key elements and factors that differentiate the firm from other potential qualified responders;
 - b. completion of a statement of qualifications similar in form to AIA Document A305 (latest edition), listing general business information and financial capacity such as organizational structure, licensing, experience, references and financial statement;
 - c. a list of all convictions or fines assessed against the construction manager-at-risk firm or any of its officers or directors for violations of state or federal law;
 - d. submission of a project organization chart with specific information on key project personnel or consultants;
 - e. a letter from a surety company licensed to do business in the State and whose name appears on United States Treasury Department Circular 570 confirming the ability to provide performance and payment bonds for the building project;
 - f. submission of information on the firm's safety record including its workers' compensation experience modifier for the prior three years;
 - g. submission of information on and evidence of the firm's compliance record with respect to small business enterprise inclusion goals and workforce inclusion goals, if applicable;
 - h. submission of information regarding the firm's experience on similar projects including contact information of the architects and owners of the projects;
 - i. submission of specific examples of the firm's project management reports or other illustrations of the company's operating philosophy; and
 - j. any other relevant information that the County determines desirable.
5. The prequalification committee established pursuant to Section 504.03(A)(2) of the County Code shall evaluate each statement of qualifications submitted by the construction management-at-risk firms. The evaluation shall take into account the following factors: (i) competence to perform the required construction management-at-risk services as indicated by the technical training, education, and experience of the construction management-at-risk firm's personnel and key consultants, especially the technical training, education, and experience of the employees and consultants of the construction management-at-risk firm who would be assigned to perform the services; (ii) ability of the firm in terms of its workload and the availability of qualified personnel, equipment, and facilities to perform the required preconstruction and construction services competently and expeditiously; (iii) past performance of the firm as reflected by

the evaluations of previous clients with respect to such factors as control of costs, quality of work, and meeting of deadlines; and (iv) any other relevant factors as determined by the County.

6. The prequalification committee shall select a minimum of three qualified construction management-at-risk firms to receive the request for proposals, unless less than three firms responded to the RFQ, in which event the prequalification committee may select less than three qualified construction management-at-risk firms to receive the request for proposals. The decision of the prequalification committee shall be posted on the County's web site. Once posted on the County's web site, the decision of the prequalification committee is final and shall not be subject to appeal except to the Board of Control on grounds of fraud or collusion. The written Notice of Appeal shall be filed with the Clerk of the Board of Control during business hours on a working day no later than five calendar days of the posting of the prequalification committee's decision on the County's web site. If the fifth calendar day falls on a weekend or a legal holiday on which the County Administration Building is closed, the Notice of Appeal shall be filed no later than 4:00 p.m. on the first day following the weekend or the holiday. The Notice of Appeal shall include the appellant's allegations of fraud or collusion with specificity. The failure to timely file the Notice of Appeal with the Clerk of the Board of Control shall be considered a subject-matter jurisdictional defect, which may not be remedied. The Board of Control's determination of the appeal shall not be subject to any further appeals or any other challenges.

B. The RFP

1. Before issuing a request for proposals, hereinafter referred to as RFP, the Director of Public Works shall establish a selection committee for the purpose of reviewing and evaluating responses submitted to the RFP. The selection committee shall be comprised of the Consultant Selection Committee, one representative of the professional design firm, the County's project manager if the project manager is not a member of the Consultant Selection Committee, and any additional representatives of the County as may be deemed appropriate by the Director of Public Works. Nothing herein shall prohibit the County from appointing the same individuals who served as the prequalification committee to serve as the selection committee.
2. The County shall issue an RFP to each construction management-at-risk firm selected to receive an RFP pursuant to 304.03(A) of the County Code. The RFP shall include:
 - a. the date, time and place for submission of proposals;
 - b. a clear description of the submission requirements including separate price and technical components;
 - c. the small business enterprise inclusion goals and workforce inclusion goals for the building project, if applicable;
 - d. the form of construction management-at-risk contract; and
 - e. any other relevant information that the County determines desirable.
3. The RFP shall require the submission of separate price and technical components as part of the proposal submitted in response to the RFP.
 - a. The price component shall include: (i) the fee for preconstruction services with appropriate detail, (ii) the fee for construction services with explanation of the basis, (iii) the estimated cost of general conditions with appropriate detail, and (iv) the estimated construction contingency requirements regarding development of the GMP.
 - b. The technical component shall include: (i) a detailed project approach, including preconstruction services, (ii) supplemental relevant project references, (iii) the project

team members with position descriptions and relevant time commitments and billing rates of said team members during the project, and (iv) the construction management plan indicating their approach to controlling cost, schedule, quality, documents and claims.

4. Upon receipt of the responses to the RFP, the selection committee shall evaluate all proposals and rank firms based on the selection committee's evaluation of each firm's pricing proposal and qualifications. If the selection committee elects to conduct an interview with a construction management-at-risk firm who submits a proposal in response to the RFP, then the selection committee shall conduct interviews with each construction management-at-risk firm that submits a proposal to the RFP. The decision of the selection committee shall be posted on the County's web site. Once posted on the County's web site, the decision of the selection committee is final and not subject to appeal except to the Board of Control on the grounds of fraud or collusion. The written Notice of Appeal shall be filed with the Clerk of the Board of Control during business hours on a working day no later than five calendar days of the posting of the selection committee's decision on the County's web site. If the fifth calendar day falls on a weekend or a legal holiday on which the County Administration Building is closed, the Notice of Appeal shall be filed no later than 4:00 p.m. on the first day following the weekend or the holiday. The Notice of Appeal shall include the appellant's allegations of fraud or collusion with specificity. The failure to timely file the Notice of Appeal with the Clerk of the Board of Control shall be considered a subject-matter jurisdictional defect, which may not be remedied. The Board of Control's determination of the appeal shall not be subject to any further appeals or any other challenges.
5. The selection committee shall commence negotiations with the highest ranked construction management-at-risk firm. If the selection committee determines that negotiations with the highest ranked construction management-at-risk firm will not result in a contract acceptable to the County, then the selection committee shall terminate negotiations with the highest ranked construction management-at-risk firm and shall commence negotiations with the next highest ranked construction management-at-risk firm. The process shall continue until the selection committee has reached an acceptable contract with one of the prequalified construction management-at-risk firms. The list and ranking of proposed construction management-at-risk firms shall be certified by the County's project manager and made available as a public record after the contract award.

C. Guaranteed Maximum Price

1. Each contract for a building project procured pursuant to Sections 504.03(A) to (D) of the County Code, shall utilize a cost-plus, not-to-exceed guaranteed maximum price form of contract in which the County shall be entitled to monitor and audit all project costs.
2. In establishing the schedule and process for determining a guaranteed maximum price, the contract between the County and the construction management-at-risk firm shall comply with the following:
 - a. No less developed than a percentage determined by the Director of Public Works;
 - b. The guaranteed maximum price shall be agreed to as an amendment to the contract between the County and the construction management-at-risk firm;
 - c. The guaranteed maximum price amendment shall be executed before the commencement of any construction work; except that the County, before the execution of the guaranteed maximum price amendment, may commence construction, so long as the County executes a separate amendment to the contract with the construction

manager-at-risk detailing the scope of work selected to commence before execution of the guaranteed price amendment, and provided that each subcontractor performing work shall provide a payment and performance bond in the amount of its subcontract, which bond shall name the County and the construction manager-at-risk as co-obligees. The separate amendment shall state the sum for the scope of work, which shall include the cost of the work, the general conditions and additional fee, if any, for the construction manager-at-risk; but, any class of work included in the scope of work selected to commence before the execution of the guaranteed maximum price amendment shall be subject to the subcontractor selection process set forth in Section 504.03 of the County Code. If a guaranteed maximum price cannot be successfully negotiated between the County and the construction manager-at-risk, then any subcontractor agreement between the construction manager-at-risk and a subcontractor for work selected to commence before execution of the guaranteed maximum price amendment may be assigned to the County or to another construction manager-at-risk designated by the County, without the assent of the subcontractor, and the County or the designated construction manager-at-risk and the subcontractor shall be bound by the terms of the subcontractor agreement; and

d. The guaranteed maximum price amendment to the contract between the County and the construction management-at-risk firm shall include a detailed line item cost breakdown by trade, including any cost for work selected to commence before the execution of the guaranteed maximum price amendment; dollar amounts for the construction management-at-risk firm's construction contingency; dollar amounts for the general conditions and fees, including any amounts related to work selected to commence before the execution of the guaranteed maximum price amendment; a list of all the drawings, specifications and other information on which the guaranteed maximum price is based; a list of allowances and statement of their basis; a list of any assumptions or clarifications on which the guaranteed maximum price is based; the dates for substantial and final completion on which the guaranteed maximum price is based; and a schedule of applicable alternates and unit prices.

e. The construction management-at-risk firm shall provide all required performance and payment bonds in the amount of the guaranteed maximum price within five business days after the execution of the guaranteed maximum price amendment.

3. If a guaranteed maximum price cannot be successfully negotiated between the County and the construction management-at-risk firm, then the selection committee may commence negotiations with an additional proposer starting with the next highest ranked proposer. If a contract and guaranteed maximum price amendment cannot be successfully negotiated between the selection committee and the next highest ranked proposer, then the County shall terminate the procurement process and may instead procure the building project under any other project delivery method permitted by law.

D. Subcontractors

1. Each construction manager-at-risk with a construction manager-at-risk shall include terms that require the following procedures to be observed in connection with the award of subcontracts under the construction manager-at-risk:
 - a. Prior to the award of any subcontract with an estimated subcontract value, selected by the Contracting and Purchasing Board at the time of approving the use of the alternate construction delivery method, the construction manager-at-risk shall submit to the County for approval the qualifications that a subcontractor must have in order to perform the work of the subcontract and a list of at least three subcontracting firms that the

construction manager-at-risk believes meets the qualifications. The County may eliminate from the list persons or firms that the County believes are not qualified, based on the criteria mentioned in the scope of services, or to which the County has other reasonable objections. The construction manager-at-risk shall revise the list- in accordance with the County's eliminations. The County shall inform the construction manager-at-risk of its elimination of any persons or firms proposed by the construction manager-at-risk within ten working days after the County's receipt of the list. If the County disapproves of a proposed bidder, the written notice to the construction manager-at-risk shall set forth the County's objections of the proposed bidder(s). The construction manager-at-risk shall not solicit bids or proposals from any person or firm to whom the County has made objections.

b. The County's elimination of any proposed bidder(s) under Section 504.03(D)(1)(a) of the County Code is final and not subject to appeal except to the Board of Control on grounds of fraud or collusion. The written Notice of Appeal shall be filed with the Clerk of the Board of Control during business hours on a working day no later than five calendar days of the construction manager-at-risk's receipt of the County's objections. If the fifth calendar day falls on a weekend or a legal holiday on which the County Administration Building is closed, the Notice of Appeal shall be filed no later than 4:00 p.m. on the first day following the weekend or the holiday. The Notice of Appeal shall include the appellant's allegations of fraud or collusion with specificity. The failure to timely file the Notice of Appeal with the Clerk of the Board of Control shall be considered a subject-matter jurisdictional defect, which may not be remedied. The Board of Control's determination of the appeal shall not be subject to any further appeals or any other challenges.

c. After the construction manager-at-risk and the County have agreed upon an acceptable list of potential subcontractors, the construction manager-at-risk shall solicit at least three competitive bids or proposals (including design-assist bids or proposals) from subcontractors on the list of approved subcontractors. All bids or proposals submitted shall be sealed and shall not be opened before the bid opening date set forth in the solicitation.

d. On the date set forth in the solicitation, the construction manager-at-risk shall open, in the presence of the County, all bids or proposals. The County shall have the right to be present at all post-opening scope review meetings of the construction manager-at-risk and the proposed subcontractors.

e. Giving consideration to the price and the qualifications of each person or firm submitting a bid or proposal, the construction manager-at-risk shall recommend for award the subcontractor whose bid or proposal represents the best value, and such recommendation shall be submitted to the County with a written report setting forth the reasons supporting the recommendation. The County shall have the right to object to the proposed award if it determines that the person or firm proposed does not represent the best value. If the County objects to the proposed award, it shall do so by sending written notice of such objection within ten days after the County's receipt of the construction manager-at-risk's recommendation report, and such written notice shall set forth the County's reasons for objecting. If the County does not disapprove the bidder recommended by the construction manager at risk, then the construction manager-at-risk shall award the subcontract to the recommended bidder.

f. Notwithstanding the foregoing, subcontracts with an award value that does not exceed the threshold sum as identified in Section 504.03(D)(1)(a) of the County Code, may be awarded by the construction manager-at-risk using any selection method selected by the construction manager-at-risk with the approval of the County.

g. Regardless of any monetary thresholds, each subcontract shall expressly name the

County as an intended third-party beneficiary with the right to sue and recover under said subcontract.

(Ordinance Nos. [O2012-0019](#), Enacted 8/28/2012, Effective 8/31/2012; [O2011-0039](#), Enacted 10/25/2011, Effective 10/28/2011)

Section 504.04 Design-Build Delivery Method

For each contract for any building project, the Director of Public Works may elect to use the design-build delivery method pursuant to Sections 504.04 (A) to (E) of the County Code.

A. Criteria Architect or Engineer

1. For every design-build contract, the County shall first obtain the services of a criteria architect or engineer by either contracting for the services consistent with Sections 153.65 to 153.70 of the Ohio Revised Code or by obtaining the services through a design professional who is an employee of the County. After the County has retained a criteria architect or engineer, the County shall develop with the assistance of the criteria architect or engineer a scope of work statement that defines the building project and provides prospective design-build firms with sufficient information regarding the County's objectives and requirements. The scope of work statement shall include criteria and preliminary design, general budget parameters, and general schedule requirements to enable prospective design-build firms to submit proposals in response to the RFP issued under Section 504.04(C) of the County Code. The criteria architect or engineer retained by the County for a building project shall not be eligible to participate in any way as a member of the design-build team competing for the award of the design-build contract for the building project.

B. Two-Phase Process

1. Except as provided in Section 504.05 of the County Code, the Director of Public Works shall utilize a two-phase selection process as provided in Section 504.04(B) of the County Code to select a design-build firm to provide design-build services.
2. Before issuing a request for qualifications, hereinafter called RFQ, the Director of Public Works shall establish a prequalification committee for the purpose of reviewing and evaluating responses submitted by a design-build firm to the RFQ. The prequalification committee shall be comprised of the Consultant Selection Committee, one representative of the criteria architect or engineer, the County's project manager if the project manager is not a member of the Consultant Selection Committee, and any additional representatives of the County as may be deemed proper by the Director of Public Works.
3. The first phase of the two-phase selection process shall begin once the County gives public notice of the building project and solicits responses to an RFQ from design-build firms. The public notice and solicitation required shall be advertised in a newspaper of general circulation in the County or on the County's website. The public notice and solicitation shall be given not less than two weeks before the deadline for submitting

responses to the RFQ. The public notice and solicitation shall include:

- a. the time and date of the deadline for receipt of responses to the RFQ and the address of the office to which the responses are to be delivered;
 - b. a general description of the project and key factors important to the final selection of the design-build firm;
 - c. a general description of the scope of services expected of the selected design-build firm during the design, pre-construction and construction phases of the project;
 - d. a general description of the anticipated schedule and estimated construction cost for the building project; and
 - e. the criteria for the selection of the design-build firm, including minimum experience, requirements for presentations/interviews, and the schedule for the selection process.
4. The County shall require interested design-build firms to submit a statement of qualifications in response to the RFQ. The statement of qualifications shall include the following:
- a. a cover letter or executive summary detailing the key elements and factors that differentiate the firm from other potential qualified responders;
 - b. completion of a statement of qualifications similar in form to AIA Document A305 (latest edition), listing general business information and financial capacity such as organizational structure, licensing, experience, references and financial statement;
 - c. a list of all convictions or fines assessed against the design-build firm or any of its officers or directors for violations of state or federal law;
 - d. submission of a project organization chart with specific information on key project personnel or consultants, including the architect of record;
 - e. a letter from a surety company licensed to do business in the State and whose name appears on United States Treasury Department Circular 570 confirming the ability to provide performance and payment bonds for the building project;
 - f. submission of information on the firm's safety record including its workers' compensation experience modifier for the prior three years;
 - g. submission of information on and evidence of the firm's compliance record with respect to small business enterprise inclusion goals and workforce inclusion goals, if applicable;
 - h. submission of information regarding the experience of the design-build firm and the architect of record on similar projects, including contact information of owners of the projects;
 - i. submission of specific examples of the firm's project management reports or other illustrations of the company's operating philosophy; and
 - j. any other relevant information that the County determines desirable.
5. The prequalification committee established pursuant to Section 504.04(A) of the County Code shall evaluate each statement of qualifications submitted by design-build firms. The evaluation shall take into account the following factors: (i) competence to perform the required design-build services as indicated by the technical training, education, and experience of the design-build firm's personnel and key consultants, especially the technical training, education, and experience of the employees and consultants of the design-build firm who would be assigned to perform the services, including the proposed architect of record; (ii) ability of the firm in terms of its workload and the availability of qualified personnel, equipment, and facilities to perform the required professional design services or design-build services competently and expeditiously; (iii) past performance of the firm as reflected by the evaluations of previous clients with respect to such factors as control of costs, quality of work, and meeting of deadlines; and (iv) any other relevant factors as determined by the County.

6. The prequalification committee shall select a minimum of three qualified design-build firms to receive the request for proposals, unless less than three firms responded to the RFQ, in which event prequalification committee may select less than three qualified design-build firms to receive the request for proposals. The decision of the prequalification committee shall be posted on the County's web site. Once posted on the County's web site, the decision of the prequalification committee is final and shall not be subject to appeal except to the Board of Control on grounds of fraud or collusion. The written Notice of Appeal shall be filed with the Clerk of the Board of Control during business hours on a working day no later than five calendar days of the posting of the prequalification committee's decision on the County's web site. If the fifth calendar day falls on a weekend or a legal holiday on which the County Administration Building is closed, the Notice of Appeal shall be filed no later than 4:00 p.m. on the first day following the weekend or the holiday. The Notice of Appeal shall include the appellant's allegations of fraud or collusion with specificity. The failure to timely file the Notice of Appeal with the Clerk of the Board of Control shall be considered a subject-matter jurisdictional defect, which may not be remedied. The Board of Control's determination of the appeal shall not be subject to any further appeals or any other challenges.

C. The RFP

1. Before issuing a request for proposals, hereinafter referred to as RFP, the Director of Public Works shall establish a selection committee for the purpose of reviewing and evaluating responses submitted to the RFP issued pursuant to Section 504.04(C)(2) of the County Code. The selection committee shall be comprised of the Consultant Selection Committee, one representative of the criteria architect or engineer, the County's project manager if the project manager is not a member of the Consultant Selection Committee, and any additional representatives of the County as may be deemed appropriate by the Director of Public Works. Nothing herein shall prohibit the County from appointing the same individuals who served as the prequalification committee to serve as the selection committee.
2. The County shall issue an RFP to each design-build firm selected to receive an RFP pursuant to Section 504.04(B) of the County Code. The RFP shall include:
 - a. the date, time and place for submission of proposals;
 - b. clear description of the submission requirements including separate price and technical components;
 - c. the design criteria produced by the criteria architect or engineer;
 - d. the small business enterprise inclusion goals and workforce inclusion goals for the building project, if applicable;
 - e. the form of design-build services contract; and
 - f. any other relevant information that the County determines desirable.
3. The RFP shall require the submission of separate price and technical components as part of the proposal submitted in response to the RFP.
 - a. The price component shall, in a separate sealed submission, include: (i) the fee for design services, including the fee of the architect of record, with appropriate detail, (ii) the fee for preconstruction services, with appropriate detail, (iii) the fee for design-build services with explanation of the basis, (iv) the estimated cost of general conditions, with appropriate detail, and (v) the estimated design and contingency requirements regarding development of the GMP.
 - b. The technical component shall include: (i) a detailed project approach, including preconstruction and design services, (ii) supplemental relevant project references, (iii)

the project team members with position descriptions and relevant time commitments and billing rates of said team members during the project, and (iv) the construction management plan indicating their approach to controlling cost, schedule, quality, documents and claims.

4. Upon receipt of the responses to the RFP issued pursuant to Section 504.04(C)(3) of the County Code, the selection committee shall evaluate all proposals and rank firms based on the selection committee's evaluation of each firm's pricing proposal and qualifications. If the selection committee elects to conduct an interview with a design-build firm who submits a proposal in response to the RFP, then the selection committee shall conduct interviews with each design-build firm that submits a proposal to the RFP. The decision of the selection committee shall be posted on the County's web site. Once posted on the County's web site, the decision of the selection committee is final and not subject to appeal except to the Board of Control on the grounds of fraud or collusion. The written Notice of Appeal shall be filed with the Clerk of the Board of Control during business hours on a working day no later than five calendar days of the posting of the selection committee's decision on the County's web site. If the fifth calendar day falls on a weekend or a legal holiday on which the County Administration Building is closed, the Notice of Appeal shall be filed no later than 4:00 p.m. on the first day following the weekend or the holiday. The Notice of Appeal shall include the appellant's allegations of fraud or collusion with specificity. The failure to timely file the Notice of Appeal with the Clerk of the Board of Control shall be considered a subject-matter jurisdictional defect, which may not be remedied. The Board of Control's determination of the appeal shall not be subject to any further appeals or any other challenges.
5. The selection committee shall commence negotiations with the highest ranked design-build firm. If the selection committee determines that negotiations with the highest ranked design-build firm will not result in a contract acceptable to the County, then the selection committee shall terminate negotiations with the highest ranked design-build firm and shall commence negotiations with the next highest ranked design-build firm. The process shall continue until the selection committee has reached an acceptable contract with one of the prequalified design-build firms. The list and ranking of proposed design-build firms shall be certified by the County's project manager and made available as a public record after the contract award.

D. Guaranteed Maximum Price

1. Each contract for a building project procured pursuant to Sections 504.04(A) to (E), shall utilize a cost-plus, not-to-exceed guaranteed maximum price form of contract in which the County shall be entitled to monitor and audit all project costs.
2. In establishing the schedule and process for determining a guaranteed maximum price, the contract between the County and the design-build firm shall comply with the following:
 - a. The guaranteed maximum price shall be based on design documents that are no less developed than a percentage determined by the Director of Public Works;
 - b. The guaranteed maximum price shall be agreed to as an amendment to the contract between the County and the design-build firm;
 - c. The guaranteed maximum price amendment shall be executed before the commencement of any construction work; except that the County, before the execution of the guaranteed maximum price amendment, may commence construction, so long as the County executes a separate amendment to the contract with the design-build firm detailing the scope of work selected to commence before execution of the guaranteed

price amendment, and provided that each subcontractor performing work shall provide a payment and performance bond in the amount of its subcontract, which such bond shall name the County and the design-build firm as co-obligees. The separate amendment shall state the sum for the scope of work, which shall include the cost of the work, the general conditions and additional fee, if any, for the design-build firm; but, any class of work included in the scope of work selected to commence before the execution of the guaranteed maximum price amendment shall be subject to the subcontractor selection process set forth in Section 504.04(E) of the County Code. If a guaranteed maximum price cannot be successfully negotiated between the County and the design-build firm, then any subcontractor agreement between the design-build firm and a subcontractor for work selected to commence before execution of the guaranteed maximum price amendment may be assigned to the County or to another design-build firm designated by the County, without the assent of the subcontractor, and the County or the designated design-build firm and the subcontractor shall be bound by the terms of the subcontractor agreement; and

d. The guaranteed maximum price amendment to the contract between the County and the design-build firm shall include a detailed line item cost breakdown by trade, including any cost for work selected to commence before the execution of the guaranteed maximum price amendment; dollar amounts for the design-build firm's design and construction contingencies; dollar amounts for the general conditions and fees, including any amounts related to work selected to commence before the execution of the guaranteed maximum price amendment; a list of all the drawings, specifications and other information on which the guaranteed maximum price is based; a list of allowances and statement of their basis; a list of any assumptions or clarifications on which the guaranteed maximum price is based; the dates for substantial and final completion on which the guaranteed maximum price is based; and a schedule of applicable alternates and unit prices.

e. The design-build firm shall provide all required performance and payment bonds in the amount of the guaranteed maximum price within five business days after the execution of the guaranteed maximum price amendment.

3. If a guaranteed maximum price cannot be successfully negotiated between the County and the design-build firm, then the selection committee may commence negotiations with an additional proposer starting with the next highest ranked proposer. If a contract and guaranteed maximum price amendment cannot be successfully negotiated between the selection committee and the next highest ranked proposer, then the County shall terminate the procurement process and may instead procure the building project under any other project delivery method permitted by law.

E. Subcontractors

1. Each design-build contract with a design-build firm shall include terms that require the following procedures to be observed in connection with the award of subcontracts under the design-build contract:
 - a. Prior to the award of any subcontract with an estimated subcontract value, selected by the Director of Public Works at the time of approving the use of the alternate construction delivery method, the design-build firm shall submit to the County for approval the qualifications that a subcontractor must have in order to perform the work of the subcontract and a list of at least three subcontracting firms that the design-build firm believes meets the qualifications. The County may eliminate from the list persons or firms that the County believes are not qualified, based on the criteria mentioned in the

scope of services, or to which the County has other reasonable objections. The design-build firm shall revise the list unless in accordance with the County's eliminations. The County shall inform the design-build firm of its eliminations of any persons or firms proposed by the design-build firm, within ten working days after the County's receipt of the list. If the County disapproves of a proposed bidder, the written notice to the design-build firm shall set forth the County's objections of the proposed bidder(s). The design-build firm shall not solicit bids or proposals from any person or firm to whom the County has made objections.

b. The County's elimination of any proposed bidder(s) under Section 504.04(E)(1)(a) of the County Code is final and not subject to appeal except to the Board of Control on grounds of fraud or collusion. The written Notice of Appeal shall be filed with the Clerk of the Board of Control during business hours on a working day no later than five calendar days of the design-build firm's receipt of the County's objections. If the fifth calendar day falls on a weekend or a legal holiday on which the County Administration Building is closed, the Notice of Appeal shall be filed no later than 4:00 p.m. on the first day following the weekend or the holiday. The Notice of Appeal shall include the appellant's allegations of fraud or collusion with specificity. The failure to timely file the Notice of Appeal with the Clerk of the Board of Control shall be considered a subject-matter jurisdictional defect, which may not be remedied. The Board of Control's determination of the appeal shall not be subject to any further appeals or any other challenges.

c. After the design-build firm and the County have agreed upon an acceptable list of potential subcontractors, the design-build firm shall solicit at least three competitive bids or proposals (including design-assist bids or proposals) from subcontractors on the list of approved subcontractors. All bids or proposals submitted shall be sealed and shall not be opened before the bid opening date set forth in the solicitation.

d. On the date set forth in the solicitation, the design-build firm shall open, in the presence of the County, all bids or proposals. The County shall have the right to be present at all post-opening scope review meetings of the design-build firm and the proposed subcontractors.

e. Giving consideration to the price and the qualifications of each person or firm submitting a bid or proposal, the design-build firm shall recommend for award the subcontractor whose bid or proposal represents the best value, and such recommendation shall be submitted to the County with a written report setting forth the reasons supporting the recommendation. The County shall have the right to object to the proposed award if it determines that the person or firm proposed does not represent the best value. If the County objects to the proposed award, it shall do so by sending written notice of such objection within ten days after the County's receipt of the design-build firm's recommendation report, and such written notice shall set forth the County's reasons for objecting. If the County does not disapprove the bidder recommended by the design-build firm, then the design-build firm shall award the subcontract to the recommended bidder.

f. Notwithstanding the foregoing, subcontracts with an award value that does not exceed the threshold sum as identified in Section 504.04(E)(1)(a) of the County Code, may be awarded by the design-build firm using any selection method selected by the design-build firm with the approval of the County.

g. Regardless of any monetary thresholds, each subcontract shall expressly name the County as an intended third-party beneficiary with the right to sue and recover under said subcontract.

(Ordinance Nos. [O2012-0019](#), Enacted 8/28/2012, Effective 8/31/2012; [O2011-0039](#), Enacted 10/25/2011, Effective 10/28/2011)

Section 504.05 One-Step Design Build Delivery Method

For non-complex building projects as determined by the Director of Public Works, the Director of Public Works may opt to utilize a one-step design build process.

(Ordinance No. [O2012-0019](#), Enacted 8/28/2012, Effective 8/31/2012)

Section 504.06 Administrative Rules

The Department of Public Works, with the approval of the Director of Law, may adopt rules proscribing additional terms and provisions to be included in each construction manager-at-risk or design-build contract, including procedures and criteria for pre-qualification of subcontractors under Section 504.03(D) and Section 504.05 of the County Code.

(Ordinance Nos. [O2012-0019](#), Enacted 8/28/2012, Effective 8/31/2012; [O2011-0039](#), Enacted 10/25/2011, Effective 10/28/2011)

Section 504.07 General Contracting Delivery Method

For each contract for any building project, the Director of Public Works may elect to use the general contracting method, pursuant to this Section 504.07 of the County Code.

A. The RFB

The County shall give public notice of the building project and shall solicit bids from general contracting firms. The public notice and solicitation shall be advertised in a newspaper of general circulation in the County or on the County's website. The public notice and solicitation shall be given not less than two weeks before the deadline for submitting bids. The public notice and solicitation shall include the time and date of the deadline for receipt of bids, the address of the office to which the responses are to be delivered, a general description of the project, and a general description of the anticipated schedule and estimated construction cost for the building project.

B. Proposal and Qualifications

The County shall require interested general contracting firms to submit a pricing proposal and statement of qualifications in response to the bid request. The statement of qualifications shall include the following:

1. a cover letter or executive summary detailing the key elements and factors that differentiate the firm from other potential qualified responders;
2. completion of a statement of qualifications similar in form to AIA Document A305 (latest edition), listing general business information and financial capacity such as organizational structure, licensing, experience, references and financial statement;
3. a list of all convictions or fines assessed against the general contracting firm, or any of its officers or directors, for violations of state or federal law;
4. submission of a project organization chart with specific information on key project personnel or consultants;
5. a letter from a surety company licensed to do business in the State and whose name appears on United States Treasury Department Circular 570 confirming the ability to provide performance and payment bonds for the building project;
6. submission of information on the firm's safety record including its workers' compensation experience modifier for the prior three years;
7. submission of information on and evidence of the firm's compliance record with respect to small business enterprise inclusion goals and workforce inclusion goals, if applicable;
8. submission of information regarding the firm's experience on similar projects including contact information of the architects and owners of the projects;
9. submission of specific examples of the firm's project management reports or other illustrations of the company's operating philosophy;
10. submission of either a single aggregate lump sum price or a single aggregate cost-plus, not-to-exceed guaranteed maximum price, as required by the bid documents; and
11. any other relevant information that the County determines desirable.

C. Award of Contract

The contract for general contracting services shall be awarded to the firm whose bid is determined to be the lowest and best.

(Ordinance Nos. [O2012-0019](#), Enacted 8/28/2012, Effective 8/31/2012; [O2011-0039](#), Enacted 10/25/2011, Effective 10/28/2011)

Section 504.08 Lowest and Best Consideration

In determining whether to accept any recommendation for a contract award or in determining the lowest and best bid for any contract under this Chapter, the County may consider any or all of the factors provided for in Section 501.14 of the County Code.

(Ordinance Nos. [O2012-0019](#), Enacted 8/28/2012, Effective 8/31/2012; [O2011-0039](#), Enacted 10/25/2011, Effective 10/28/2011)

Section 504.09 Contractor Certifications

At the time of execution of any contract under this Chapter, any successful contractor shall make all of the certifications provided for in Section 501.15 of the County Code.

(Ordinance Nos. [O2012-0019](#), Enacted 8/28/2012, Effective 8/31/2012; [O2011-0039](#), Enacted 10/25/2011, Effective 10/28/2011)

Section 504.10 Fair and Equitable Participation

The County shall have the right to take measures to encourage fair and equitable participation by all segments of the County's residents in county construction projects.

(Ordinance Nos. [O2012-0019](#), Enacted 8/28/2012, Effective 8/31/2012; [O2011-0039](#), Enacted 10/25/2011, Effective 10/28/2011)

Section 504.11 Non-Exclusive Delivery Methods

The policies and procedures established in Chapter 504 of the County Code are intended to provide the County with alternate construction project delivery methods in addition to those available under the Ohio Revised Code. The County shall still have to option to operate under the Ohio Revised Code if it deems it advantageous to do so.

(Ordinance No. [O2012-0019](#), Enacted 8/28/2012, Effective 8/31/2012)

Section 504.12 Approval of Contracts

Awards of contracts under this Chapter, and the approval of expenditure of funds therefor, shall be made by the appropriate County approval authority based on the monetary thresholds established in Chapter 501 of the County Code.

(Ordinance Nos. [O2012-0019](#), Enacted 8/28/2012, Effective 8/31/2012; [O2011-0039](#), Enacted 10/25/2011, Effective 10/28/2011)

Section 504.13 Precedence of Code

If any conflict arises between the procedures, requirements, or any other terms of the Ohio Revised Code, Ohio Administrative Code, or any other law or regulation, and Chapter 504, the procedures, requirements, and terms of Chapter 504 of the County Code shall prevail.

(Ordinance Nos. [O2012-0019](#), Enacted 8/28/2012, Effective 8/31/2012; [O2011-0039](#), Enacted 10/25/2011, Effective 10/28/2011)

Section 504.14 Small Business Bonding Guarantees

The Department of Development is hereby directed to investigate alternative possible programs, including funding sources, to provide bonding guarantees to small businesses and to report back to Council no later than October 30, 2011, with its findings and proposals for the adoption of such a program by the County.

(Ordinance Nos. [O2012-0019](#), Enacted 8/28/2012, Effective 8/31/2012; [O2011-0039](#), Enacted 10/25/2011, Effective 10/28/2011)

Section 504.15 Jail Kitchen

For purposes of the Jail Kitchen Project, the Board of Control may grant exemptions from any of the requirements or monetary thresholds provided for in this Chapter if it determines that such action is advantageous to the County.

(Ordinance No. [O2012-0010](#), Enacted 3/27/2012; Effective 4/4/2012)

Section 504.16 Bonding Requirements

The Director of Public Works, with the approval of the Director of Law, shall determine the appropriate bonding requirements for all contracts entered under Chapter 504 of the County Code.

(Ordinance Nos. [O2012-0019](#), Enacted 8/28/2012, Effective 8/31/2012; [O2011-0039](#), Enacted 10/25/2011, Effective 10/28/2011)

Chapter 505: Debarment

Section 505.01 Home Rule Powers Asserted

Notwithstanding any requirements or conflicting provisions of any other law or regulation, Cuyahoga County hereby exercises its home rule powers to establish its own Debarment Law and empowers the Cuyahoga County Inspector General and the Cuyahoga County Debarment Review Board to administer the Debarment Law in accordance with Chapter 505 of the Cuyahoga County Code.

(Ordinance No. [O2012-0026](#), Enacted 12/11/2012, Effective 12/13/2012)

Section 505.02 Scope of Debarment

A. Prohibitions on Debarred Contractors.

1. **No Submission of Offers.** A contractor debarred under Chapter 505 of the Cuyahoga County Code may not submit any bids, proposals, statements of qualifications, or any other offers to contract with, enter into an agreement with, or to in any other way do business with Cuyahoga County for the duration of the debarment period regardless of whether the work under the proposed contract or agreement will take place after expiration of the debarment period.
2. **No Contracting with the County.** A contractor debarred under Chapter 505 of the Cuyahoga County Code may not enter into any contract or agreement with the County for the duration of the debarment period.
3. **No Subcontracting on County Contracts.** A contractor debarred under Chapter 505 of the Cuyahoga County Code may not serve as a subcontractor on any county contract or agreement for the duration of the debarment period.

B. Prohibitions on County Contractors.

No contractor may subcontract any work on a county project to a debarred contractor. A contractor who knowingly subcontracts work to a debarred contractor shall be subject to automatic debarment for a period of three years.

C. Prohibitions on County.

1. The County may not contract with, enter into an agreement with, or otherwise do business with a debarred contractor.
2. The County may not allow any of its contractors to subcontract with any debarred contractor on a county project.
3. The County shall automatically disqualify any and all bids, proposals, statements of qualifications, or any other offers received from a debarred contractor during the period of debarment.

(Ordinance No. [O2012-0026](#), Enacted 12/11/2012, Effective 12/13/2012)

Section 505.03 Grounds for Debarment

A. Five-Year Debarment. The Cuyahoga County Inspector General may debar, for a period of five years, a contractor for a conviction of or a civil judgment within the preceding five years anywhere in the United States, its territories, or outlying areas, for any of the following:

1. Commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public contract or subcontract;
2. Violation of any federal, state, or local ethics laws, regulations, or policies;
3. Violation of any federal or state antitrust statutes, regulations, or policies;
4. Violation of any federal, state, or local laws, regulations, or policies relating to the submission of bids, proposals, statements of qualifications, or any other type of offers;
5. Collusion to restrain competition by any means;
6. Embezzlement;
7. Theft;
8. Forgery;
9. Bribery;
10. Falsification;
11. Destruction of records;
12. Making false statements;
13. Tax evasion;
14. Criminal violation of any federal, state, or local tax laws;
15. Violation of any federal, state, or local laws intended to protect against abusive debt collection practices, such as the federal Fair Debt Collection Practices Act;
16. Receiving stolen property;
17. Intentionally affixing a label indicating that a product was made in a jurisdiction when the product was not made in that jurisdiction;
18. Any other cause listed in Section 505.03(B) or Section 505.03(C) of this Chapter;
or
19. Commission of any other offense indicating a lack of business integrity or business honesty that seriously and directly affects the present responsibility of a contractor.

B. Three-Year Debarment. The Cuyahoga County Inspector General may debar, for a period three years, a contractor, based upon a reasonable belief, for any of the following within the preceding three years:

1. Violation of the terms of a public contract or subcontract in a serious manner, such as:
 - a. Willful or reckless failure to perform in accordance with the terms of one or more contracts; or
 - b. A history of failure to perform, or of unsatisfactory performance of, one or more contracts;
2. Violation of the terms, conditions, or requirements of a Small Business Enterprise program, a Disadvantaged Business program, a Minority and Female Business Enterprise program, or any other similar program, including, but not limited to,

acting as a front company by purporting to be a Small Business Enterprise, a Disadvantaged Business, a Minority or Female Business, a Veteran owned business, or any other such type of business when not in fact;

3. Violation of prevailing wage laws;
4. An Adverse Determination of Wage Theft or Payroll Fraud. For the purposes of this paragraph:

a. "Adverse Determination" means a final adjudication, not subject to appeal, by a court of competent jurisdiction, a final action by a state or federal governmental agency, or a final adjudication by an arbitrator or arbitral body of competent jurisdiction, including, but not limited to, an administrative merit determination, arbitration award or decision, civil judgment, or criminal conviction, that a Contractor or Subcontractor committed Wage Theft or Payroll Fraud. If the person or entity appeals or contests the final adjudication, final action, or final determination, the Adverse Determination becomes effective whenever that initial adjudication, action, or determination, in whole or in part, is affirmed on appeal or after the contest, or the appeal or contest is denied.

b. "Payroll Fraud" means concealing an entity's true payroll tax liability or other financial liability to a government agency from government licensing, regulatory or taxing agencies through misclassification of employees, failure to report or underreported payment of wages, or executing a cash transaction while failing to maintain proper records of reporting and withholding.

c. "Wage Theft" means a violation of R.C. § 4113.15, R.C. § 4111, Oh. Const. Art II, Sec. 34a; R.C. Chapters 4109 or 4115; R.C. §§ 4113.17, 4113.18, 4113.52, or 4113.61; or a violation of any substantially equivalent federal or state law, as any of these laws may be amended or superseded.

5. Submission of false information in connection with any bids, proposals, statements of qualifications, or any other offers to the County or any other public or private entity;
6. Abuse of the selection process by repeatedly withdrawing bids or proposals before purchase orders or contracts are issued or failing to accept orders based upon firm bids;
7. Attempting to influence a public employee to breach ethical conduct standards or to influence contract award;
8. Commission of an unfair trade practice under any federal, state, or local laws;
9. Failure to cooperate in monitoring contract performance by refusing to provide information or documents required in a contract or failing to respond to complaints;
10. Failure to cooperate with a Cuyahoga County or any other public investigation or audit;
11. Filing a lawsuit against Cuyahoga County that a court finds to be frivolous or filed in bad faith;

12. Provided that the tax or court-cost liability is determined to finality and the contractor is delinquent in making payment, delinquent taxes or court costs as follows:

- a. Delinquent federal or state taxes in an amount that exceeds \$3,000; or
- b. Any delinquent Cuyahoga County taxes or court costs in any amount;

13. Any other cause listed in Section 505.03(A) of this Chapter without regard to whether there is a conviction or civil judgment against the contractor for such cause;

14. Violation of any other responsible business practice; or

15. Any other cause determined by the Inspector General to be sufficiently serious and compelling so as to represent lack of good faith or responsibility by the contractor.

C. 18- Month Debarment. The Cuyahoga County Inspector General may debar, for a period of 18 months, a contractor, based upon a reasonable belief, for any of the following within the preceding 18 months:

1. Breach or violation of any contract or agreement with the County; or
2. Commission of an act of moral turpitude in its business practices not provided for in Section 505.03, subsections A and B herein.

D. Single Debarment Per Incident. The Inspector General may not debar a contractor under this Chapter more than once for the same incident. However, if a contractor is debarred under Section 505.03(B) or Section 505.03(C) and the contractor is later convicted or subjected to a civil judgment for the same incident for which the contractor was debarred, the Inspector General may automatically extend the duration of the debarment to five years. If the Inspector General extends the duration of any debarment under this provision, the contractor may appeal the extension to the Debarment Review Board and from there to the Cuyahoga County Court of Common Pleas under Ohio Revised Code Chapter 2506 in the same manner as it has the right to appeal the initial debarment under Section 505.06 of this Chapter.

E. Term of Debarment if Extenuating Circumstances Exist.

1. If the Inspector General is satisfied that extenuating circumstances warrant a reduction in the duration of a debarment, the Inspector General may reduce the duration of a debarment as follows:
 - a. The Inspector General may reduce the duration of a five-year debarment under Section 505.03(A) to a three-year debarment;
 - b. The Inspector General may reduce the duration of a three-year debarment under Section 505.03(B) to an 18-month debarment; or
 - c. The Inspector General may reduce the duration of an 18-month debarment under Section 505.03(C) to a one-year debarment.
2. If the Inspector General reduces the duration of a debarment as provided herein, the Inspector General must expressly identify the extenuating circumstances in the Notice of Debarment.

(Ordinance No. [O2023-0009](#), Enacted 5/23/2023, Effective 5/24/2023; [O2012-0026](#), Enacted 12/11/2012, Effective 12/13/2012)

Section 505.04 Actions of Associated Persons or Entities Giving Rise to Debarment or Suspension of Contractors

If a contractor is an entity, it shall be subject to debarment under this Chapter if the actions or inactions giving rise to debarment are of a person or entity (hereinafter “associated person” or “associated entity”) that has a substantial interest in the contractor entity or whose actions should be attributed to the contractor. The Inspector General shall consider the actions of an associated person or associated entity in determining whether the contractor shall be debarred. The Inspector General may determine that the associated person or entity has a substantial interest in the contractor entity or that its actions should be attributed to the contractor entity, and may thus debar the contractor entity, if any of the following exists:

- A. The associated person or associated entity has either a direct or beneficial ownership or control of five percent or more of the contractor entity;
- B. The associated person or associated entity is an officer, director, or otherwise involved in the management of the contractor entity;
- C. The associated person or associated entity has participated in contract negotiations, is a signatory to a contract, or has the authority to establish, control, or manage the contract performance or labor practices of the contractor;
- D. The associated person or associated entity is a parent, subsidiary, or other affiliate of the contractor entity;
- E. The associated person or associated entity provided any seed money or other monetary support within the last five years to the contractor entity;
- F. The associated person or associated entity provided any loans, except for loans provided by federally chartered banks and credit unions, (whether paid or unpaid) within the last five years to the contractor entity; or

G. Any other action of an associated person or associated entity demonstrating that the associated person or entity has a substantial interest in the contractor entity or that their actions should be attributed to the contractor entity.

(Ordinance No. [O2012-0026](#), Enacted 12/11/2012, Effective 12/13/2012)

Section 505.05 Debarment Web Site

The County shall give notice of debarment under Chapter 505 of the Cuyahoga County Code on the County's web site as follows:

- A. The Agency of Inspector General shall maintain a listing on its web site of all debarred contractors. The listing shall include the date of the issuance of the debarment and the expiration thereof.
- B. The Cuyahoga County Office of Procurement and Diversity shall provide a link on its web site to the Agency of Inspector General's list of debarred contractors.
- C. The Agency of Inspector General shall exercise good faith efforts to expeditiously remove contractors from the list of debarred contractors upon the expiration of the debarment period or reversal of the Agency's debarment of a contractor.

(Ordinance No. [O2012-0026](#), Enacted 12/11/2012, Effective 12/13/2012)

Section 505.06 Debarment Procedures

The following procedures shall govern the debarment process:

A. Debarment by the Inspector General.

1. **Notice of Potential Debarment and Opportunity for Contractor to Respond.**
 - a. Prior to debarment, the Inspector General shall provide a written "Notice of Potential Debarment" to the contractor. The Notice of Potential Debarment shall include all of the following:
 - i. A notice that the Inspector General is considering debarring the contractor;
 - ii. A notice that if the contractor is debarred, the contractor will not be able to enter into any contracts or agreements with the County and that it will not be able to submit any bids, proposals, statements of qualifications, or any other offers to the County;
 - iii. A notice that if the contractor is debarred, the contractor will be barred from doing any work as a subcontractor on a county contract or agreement;
 - iv. A notice that if the contractor is debarred, the County will automatically disqualify any bids, proposals, statements of qualifications, or any other offers from the contractor;
 - v. A notice of the grounds for the potential debarment;
 - vi. A notice of the duration of the potential debarment;
 - vii. A notice that the contractor has the right to submit written materials and evidence to the Inspector General to explain why the contractor should not be debarred;
 - viii. A notice of the due date and time by which any written materials and evidence

submitted by the contractor must be received by the Inspector General. The due date and time may not be less than 14 calendar days and no more than 60 calendar days from the Inspector General's mailing or other means of transmitting the notice to the contractor; and

ix. A notice that the contractor has the right to request a meeting with the Inspector General or his or her representative to explain the contractor's evidence and why the contractor should not be debarred. The Notice shall specify the location and two dates on which the meeting may take place if the contractor were to request a meeting. The Notice shall also specify the means and deadline by which the contractor may request the meeting and choose one of the two dates provided by the Inspector General in the Notice. The Notice shall also provide that if the contractor does not request the meeting by the deadline and in the manner provided for in the Notice, the contractor shall be deemed to have waived its right to the meeting.

b. For the purposes of this Section, "Notice" shall mean a written communication sent by certified mail, return receipt requested, to the last known address of a party, its identified counsel, or agent for service of process. In the case of a business, such notice may be sent to any partner, principal officer, director, owner or co-owner, or joint venture. If no return receipt is received within 10 calendar days of mailing, receipt shall then be presumed.

2. Inspector General's Decision on Debarment.

a. After expiration of the time period provided in the Notice of Potential Debarment in which the contractor may respond to the Notice of Potential Debarment, the Inspector General shall render a decision on the potential debarment within a reasonable time period under the circumstances.

b. If the Inspector General determines not to debar the contractor, the Inspector General shall issue a written notice of his/her determination to the contractor.

c. If the Inspector General determines to debar the contractor, the Inspector General shall do all of the following:

i. The Inspector General shall add the contractor on the listing of debarred contractors on its web site and shall issue a written "Notice of Debarment" to the Contractor.

ii. The Notice of Debarment shall include all of the following:

a. A notice that the contractor has been debarred;

b. A notice that the debarred contractor may not submit any bids, proposals, statements of qualifications, or any other such offers to the County or otherwise enter into any contract or agreement with the County;

c. A notice that the debarred contractor may not do any work as a subcontractor on any county contract or agreement;

d. A notice that the County will automatically disqualify any bids, proposals, statements of qualifications, or any other contractual offers to the County from the debarred contractor;

e. A notice of the duration of the debarment, including the starting and expiration dates

of the debarment;

f. A notice that the debarred contractor may appeal the debarment to the Debarment Review Board within 30 days by filing the original copy of its Notice of Appeal with the Inspector General and a copy with the Clerk of the Debarment Review Board;

g. A notice of the exact due date on which the 30th day falls and by which the Notice of Appeal must be received by the Inspector General and the Clerk of the Debarment Review Board;

h. A notice that the debarred contractor bears the burden of proof before the Debarment Review Board;

i. A notice that the debarred contractor has the right to introduce testimony and to cross-examine witnesses at the hearing before the Debarment Review Board;

j. A notice that if the debarred contractor intends to introduce evidence before the Debarment Review Board that was not submitted to the Inspector General, the debarred contractor must submit, with sufficient detail and factual background, the specific assignments of error upon which the debarred contractor seeks to rely in its appeal before the Debarment Review Board, and must identify all such evidence with specificity and include copies of any written evidence within 30 days of filing its Notice of Appeal. The evidence submission deadline may be extended only at the discretion of the Debarment Review Board;

k. A notice that the debarred contractor may not introduce any evidence at the hearing before the Debarment Review Board that was not submitted to the Inspector General in response to the Notice of Potential Debarment or included by the evidence submission deadline as provided in section 505.06(A)(2)(c)(ii)(j) herein; and

l. A notice that a debarred contractor's failure to file its Notice of Appeal as provided herein within the 30-day time period as provided in the Notice of Debarment is a jurisdictional failure that may not be otherwise remedied.

m. A notice that the Inspector General shall, upon the request of the debarred contractor, produce copies of all written evidence the Inspector General reviewed when making his or her decision to debar, unless such production is otherwise prohibited by law.

B. Appeal to the Debarment Review Board.

1. A contractor may appeal the Inspector General's decision to affirm the debarment to the Cuyahoga County Debarment Review Board within 30 days of the Inspector General's issuance of the decision.
2. The Debarment Review Board shall set the appeal for a hearing in an open meeting within a reasonable time period.
3. The debarred contractor shall bear the burden of proof before the Debarment Review Board.
4. The debarred contractor shall have the right to introduce testimony and to cross-examine witnesses at the hearing.

5. The Debarment Review Board shall render its decision on the appeal within a reasonable time period.

C. Appeal to the Cuyahoga County Court of Common Pleas.

1. If the Debarment Review Board affirms the Inspector General's debarment, the debarred contractor may appeal the Board's decision to the Cuyahoga County Court of Common Pleas within 30 days of the Board's issuance of its decision.
2. The appeal to the Court of Common Pleas shall be governed by Revised Code Chapter 2506.

(Ordinance Nos. [O2016-0002](#), Enacted 4/26/2016, Effective 5/27/2016; [O2014-0031](#), Enacted 4/28/2015, Effective 4/29/2015; [O2012-0026](#), Enacted 12/11/2012, Effective 12/13/2012)

Section 505.07 Suspensions of Contractors

The Inspector General may suspend, without additional review, for a period not to exceed one year, a contractor currently suspended or debarred by any of the following, provided that such suspension may not last longer than the underlying suspension or debarment:

- A. The United States Government or any board, commission, committee, department, agency, or other authority thereof;
- B. The District of Columbia, Puerto Rico or any of the 50 States or any board, commission, committee, department, agency, or other authority thereof;
- C. Any quasi-governmental entity, including, but not limited to, non-profit, private corporations, such as JobsOhio or the Indiana Economic Development Corporation, established by any of the 50 States, the District of Columbia, or Puerto Rico;
- D. Any political subdivision or other governmental or quasi-governmental board, commission, committee, corporation, or other such entity in the United States, including, but not limited to, counties, municipalities, villages, townships, school districts, housing authorities, solid waste districts, sewer districts, port authorities, boards of developmental disabilities, boards of health, boards of alcohol, drug and mental health services, land banks, and community development corporations; or
- E. Any public or private educational institutions.

(Ordinance No. [O2012-0026](#), Enacted 12/11/2012, Effective 12/13/2012)

Section 505.08 Debarment Duration to Include Suspension

If a contractor suspended by the Inspector General is later debarred by the Inspector General for the same incident, the duration of the suspension shall count toward the duration of the debarment so that the total combined duration of the debarment and suspension for the same incident does not exceed the total duration of debarment allowed for the same incident.

(Ordinance No. [O2012-0026](#), Enacted 12/11/2012, Effective 12/13/2012)

Section 505.09 Prospective Application

Any debarment under this Chapter shall not act to invalidate otherwise properly authorized county contracts entered before the enactment of this Chapter.

(Ordinance No. [O2012-0026](#), Enacted 12/11/2012, Effective 12/13/2012)

Section 505.10 Commencement of Debarment Period and Good Faith in Exercising Discretion

A. Debarment Period to Commence from Date of Issuance of Debarment.

The debarment period for any debarment issued under this Chapter shall commence from the date of the Inspector General's issuance of the debarment and posting of the debarment on the Inspector General's web site.

B. Good Faith in Exercising Discretion.

The Cuyahoga County Inspector General and Debarment Review Board shall exercise their discretion in good faith to ensure consistent application of this Chapter.

(Ordinance Nos. [O2014-0031](#), Enacted 4/28/2015, Effective 4/29/2015; [O2012-0026](#), Enacted 12/11/2012, Effective 12/13/2012)

Section 505.11 Impact of Reversal or Expiration of Debarment

A debarment under this Chapter that is either expired or reversed by the Debarment Review Board or a court under R.C. Chapter 2506 may no longer be used for any purposes against the debarred contractor.

(Ordinance No. [O2012-0026](#), Enacted 12/11/2012, Effective 12/13/2012)

Section 505.12 Exceptions and Exemptions

A. **Emergency Contracts and Purchases.** The prohibitions outlined in this Chapter shall not apply to any contracts made for any emergency events pursuant to Section 501.01(P) of the Cuyahoga County Code.

B. **Sole Source Contracts.** If a County contracting authority is unable to identify more than one source through which a purchase or contract may be made, and the sole source is on the Debarred Contractors' List, the contracting authority may apply to the Cuyahoga County Council for an exemption from the requirements of this Chapter. If Council is satisfied with the sole-source status of the contractor and the need for the proposed contract or purchase, it may grant the exemption by adopting a resolution.

(Ordinance No. [O2012-0026](#), Enacted 12/11/2012, Effective 12/13/2012)

Section 505.13 Training

The Inspector General shall train vendors on the County's debarment requirements and procedures as part of the vendor ethics trainings required by the Ethics Ordinance.

(Ordinance No. [O2012-0026](#), Enacted 12/11/2012, Effective 12/13/2012)

Section 505.14 Compliance with Federal and State Debarment Requirements

The Inspector General shall take all steps necessary to ensure that the County is in compliance with all mandatory federal and state debarment obligations to which the County is subject.

(Ordinance No. [O2012-0026](#), Enacted 12/11/2012, Effective 12/13/2012)

Chapter 506: Procurement Card Program Policies and Procedures

The revised Procurement Card Program Policies and Procedures, attached as Exhibit A, is hereby adopted effective 4/11/2023.

(Clerk's Note: A true copy of the Procurement Card Program Policies and Procedures is attached to Ordinance No. O2023-0008 below)

(Ordinance Nos. [O2023-0008](#), Enacted 4/21/2023, Effective 4/27/2023; [O2014-0003](#), Enacted 2/25/2014, Effective 2/28/2014; [O2012-0006](#), Enacted 3/27/2012, Effective 4/2/2012)

Chapter 507: Risk Management Procedures

The Law Department, through its Risk Management Division, in coordination with the Office of Procurement and Diversity, shall determine the appropriate risk management protections for county contracts, including but not limited to, all insurance and performance bond requirements. All such risk management protections shall be subject to the review and approval of the contract approval authority that has jurisdiction over the award of the contract. Unless otherwise provided in the Cuyahoga County Code, insurance and bonding requirements shall be determined as set forth in Chapter 508 of the Cuyahoga County Code.

Section 507.01: Small Business Considerations

In formulating the appropriate risk management protections applicable to County contracts, the Law Department, through its Risk Management Division, shall give deference to the County's interest in contracting with small businesses without causing undue risk to the County or the small businesses. The County shall establish a process to pre-qualify contractors and vendors that are certified Small Business Enterprises and Cuyahoga County Based Businesses for Performance Bond Waivers under Section 508.02 of the Cuyahoga County Code. For the purposes of this Section, "Cuyahoga County Based Business" shall have the same meaning as in Section 502.02 of this Code.

(Ordinance Nos. [O2021-0008](#), Enacted 5/25/2021, Effective 5/25/2021; [O2016-0006](#), Enacted 4/28/2016, Effective 5/27/2016)

Chapter 508: County's Performance Bond and Insurance Requirements

Section 508.01: Performance Bond Requirements

Notwithstanding any provisions in the Ohio Revised Code, Ohio Administrative Code, or any other law or regulation to the contrary, the County hereby asserts its home rule powers to determine bonding requirements in formulating the appropriate risk management measures for County contracts.

(Ordinance No. [O2016-0006](#), Enacted 4/26/2016, Effective 5/27/2016)

Section 508.02: When Performance Bonds Are Not Required

A. Performance Bond Waivers on Construction Contracts

Unless otherwise prohibited by federal, state or local law, or as a condition of funding or unless otherwise provided in the Cuyahoga County Code, Performance and Payment Bond requirements for construction contracts in the amount of \$250,000.00 or less may be waived for contractors or vendors who pre-qualify. This waiver does not include projects that include federal funding.

B. Performance Bond Waivers for Construction Contracts with Federal Funds

Unless otherwise prohibited by federal, state or local law, or as a condition of funding, Performance and Payment Bond requirements for construction contracts in the amount of \$150,000.00 or less which involve federal funds may be waived for contractors and vendors who pre-qualify.

C. Performance Bond Waivers for Non-construction Projects

Performance and Payment Bond requirements for non-construction contracts may be waived at the discretion of the Law Department, through its Risk Management Division, as set forth herein.

D. Reserve Coverage for Performance Bond Waivers

The County shall reserve or budget such funds as are necessary to mitigate the potential costs of non-performance and/or non-payment on contracts on which performance or payment bonds are waived pursuant to this Section. The amount reserved or budgeted for this purpose shall be determined annually by the Law Department, through its Risk Management Division, and shall be submitted to Council through the budget process.

(Ordinance No. [O2016-0006](#), Enacted 4/26/2016, Effective 5/27/2016)

Section 508.03: County's Insurance Requirements

The Law Department, through its Risk Management Division, shall determine the County's insurance needs and requirements, including all insurance requirements related to County contracts.

Notwithstanding any provisions in the Ohio Revised Code, Ohio Administrative Code, or any other law or regulation to the contrary, the County shall have the discretion to determine the appropriate insurance requirements, as well as the amount of the insurance coverages, on a contract-by-contract basis, including all construction contracts, in formulating the appropriate risk management measures for county contracts.

(Ordinance No. [O2016-0006](#), Enacted 4/26/2016, Effective 5/27/2016)

Section 508.04: Updates to County's Insurance Requirements

The Law Department, through its Risk Management Division, shall continually update the County's insurance requirements as necessary to protect the County's interests.

(Ordinance No. [O2016-0006](#), Enacted 4/26/2016, Effective 5/27/2016)

Chapter 509: Disparity and Economic Inclusion

Section 509.01 Disparity Study

The Department of Equity and Inclusion shall conduct a Disparity Study and shall update the Disparity Study every five (5) years thereafter. All such studies shall be designed to meet the legal standards established by court rulings with respect to the constitutionality of programs designed to encourage greater participation of women and minorities in our economy.

A. The Department of Equity and Inclusion, in consultation with the County Equity Commission and the Citizen's Advisory Council on Equity, shall evaluate the recommendations of the Disparity Study and provide advice to the Executive regarding the implementation of said recommendations, if any.

B. The Department of Equity and Inclusion, in consultation with the County Equity Commission and the Citizen's Advisory Council on Equity, shall monitor the effectiveness of the implemented recommendations and shall report same to the Executive and Council no less than annually.

(Ordinance Nos. [O2021-0007](#), Enacted 5/25/2021, Effective 5/25/2021; [O2011-0048](#), Enacted 10/8/2013, Effective 10/10/2013)

Section 509.02 Reserved

Section 509.03 Reserved

Chapter 510: Cuyahoga County Business Economic Inclusion Program

Section 510.01

There is hereby created a Cuyahoga County Business Economic Inclusion Program.

(Ordinance No. [O2016-0007](#), Enacted 4/26/2016, Effective 4/27/2016)

Section 510.02

For the purposes of Chapter 510 of the Cuyahoga County Code:

“Minority Business Enterprise” means an individual, domestic corporation, sole proprietorship, partnership, joint venture, entity or company that is at least 51% owned by one or more individuals who are African American, Hispanic American, Native American, Asian-Pacific American or Asian-Indian American; and whose management and daily business operations are controlled by one or more of these owners as determined by the Department of Equity and Inclusion.

“Women Business Enterprise” means an individual, domestic corporation, sole proprietorship, partnership, joint venture, entity or company that is at least 51% owned by one or more women and whose management and daily business operations are controlled by one or more of these owners as determined by the Department of Equity and Inclusion.

“Inclusive Business” means:

A. An individual, domestic corporation, sole proprietorship, partnership, joint venture, entity or company that demonstrated a commitment to utilizing Minority Business Enterprises and/or Women Business Enterprises as subcontractors on three projects within the past two years as determined by the Department of Equity and Inclusion; or

B. An individual, domestic corporation, sole proprietorship, partnership, joint venture, entity or company that demonstrated that it hired and employed a diverse workforce based on payroll records within the past two years as determined by the Department of Equity and Inclusion.

(Ordinance Nos. [O2021-0008](#), Enacted 5/25/2021, Effective 5/25/2021; [O2016-0007](#), Enacted 4/26/2016, Effective 4/27/2016)

Section 510.03

Unless otherwise prohibited by state, federal or local law, or condition of said funding, when the County has solicited bids and is determining the lowest price or the lowest evaluated price for purposes of awarding a purchase, agreement or a contract, and the lowest price or lowest evaluated price is submitted by a non- Inclusive Business, an Inclusive Business whose bid is within two (2) percent of the lowest bid submitted by a non-Inclusive Business shall be given the option to match the lowest bid. The option to match shall remain open for five (5) business days. If there is more than one bid from an Inclusive Business within the two (2) percent, the opportunity to match shall go to the lower priced bid by the Inclusive Business. If there is more than one bid from an Inclusive Business within the two (2) percent that are equal in price, the County shall allow all bidders to provide a new bid price within two (2) business days, and the evaluation will proceed based on the new pricing.

(Ordinance No. [O2016-0007](#), Enacted 4/26/2016, Effective 4/27/2016)

Section 510.04

A. The Department of Equity and Inclusion is directed to create a Cuyahoga County Business Economic Inclusion Program form, which shall be submitted by any entity desiring to participate in the Cuyahoga County Business Economic Inclusion Program. Where appropriate and applicable, the form shall be the same or similar to those that other governments, like the State and City of Cleveland, already have in place in an effort to make it simple and easy and to encourage greater participation.

B. An entity desiring to participate in the Cuyahoga County Business Economic Inclusion Program must submit, with and at the time of the bid, proposal or qualifications, a completed, signed and notarized Cuyahoga County Business Economic Inclusion Program form.

(Ordinance Nos. [O2021-0008](#), Enacted 5/25/2021, Effective 5/25/2021; [O2016-0007](#), Enacted 4/26/2016, Effective 4/27/2016)

Section 510.05

The Director of the Office of Procurement and Diversity or designee is hereby authorized to investigate and verify any information submitted with the Cuyahoga County Business Economic Inclusion Program form and may reject the designation of an Inclusive Business if he or she believes the information on the form is inaccurate or the entity is ineligible to be designated as an Inclusive Business. The Director of the Office of Procurement and Diversity or designee may request additional information prior to approving or rejecting the Inclusive Business designation.

(Ordinance No. [O2016-0007](#), Enacted 4/26/2016, Effective 4/27/2016)

Section 510.06

If an Inclusive Business designation is denied by the Department of Equity and Inclusion, the entity may submit a written complaint or appeal to the Director of the Department of Equity and Inclusion who shall notify the SBE Grievance Hearing Board. The written complaint or appeal by the entity shall be made within five (5) days to the Director of the Department of Equity and Inclusion upon receipt of the Director of the Department of Equity and Inclusion's decision. The SBE Grievance Hearing Board shall make every effort to hold the hearing no more than twenty (20) days from the date of receipt of the written complaint or appeal from the entity.

(Ordinance Nos. [O2021-0008](#), Enacted 5/25/2021, Effective 5/25/2021; [O2016-0007](#), Enacted 4/26/2016, Effective 4/27/2016)

Section 510.07

If an Inclusive Business designation is denied by the Department of Equity and Inclusion and/or the SBE Grievance Hearing Board, the entity cannot reapply for designation as an Inclusive Business for a period of one (1) year from the date of the notice of denial.

(Ordinance Nos. [O2021-0008](#), Enacted 5/25/2021, Effective 5/25/2021; [O2016-0007](#), Enacted 4/26/2016, Effective 4/27/2016)

Title 6: County Property and Assets

- [Chapter 601: Permanent Property Easements](#)
- [Chapter 602: Use of Pesticides on County-owned property](#)
- [Chapter 603: Fire and Smoke Damper Inspection Program](#)
- [Chapter 604: County Roadways](#)

Chapter 601: Permanent Property Easements

The County Executive is hereby authorized to grant a permanent easement to Ferrous Realty Ltd., for the sum of \$500.00, for the right to access, install, maintain, relocate, repair, and replace a sign on, over and under certain portions of County-owned property located at 10991 Memphis Avenue in the City of Brooklyn in connection with the construction of Memphis Industrial Parkway.

(Ordinance No. [O2011-0021](#), Enacted 3/22/2011, Effective 3/25/2011)

Chapter 602: Use of Pesticides on County-owned property

Section 602.01 Definitions

As used in Chapter 602 of the Cuyahoga County Code,

A. “Integrated Pest Management (IPM)” means a decision making, record-keeping process for managing pests that uses monitoring to determine pest injury levels, and combines biological, cultural, mechanical, physical, and chemical tools and other management practices to control pests in a safe, cost effective, and environmentally sound manner that contributes to the protection of public health and sustainability. This method uses extensive knowledge about pests, such as infestations, thresholds, life histories, environmental requirements, and natural control of pests. The method involves the use of non-chemical pest-control methods and the careful use of least-toxic chemical methods when non-chemical methods have been exhausted or are not feasible.

B. “Larvicide” shall mean a pesticide designed to kill larval pests.

C. “Organic Pest Management (OPM)” means an approach to eliminate vectors using only products derived from natural ingredients (animal or vegetable) such as natural oils, minerals from the earth, and plants.

D. “Pesticide” shall mean any spray adjuvant, substance or mixture of synthetic chemical substances, which is intended to be used for defoliating plants, regulating plant growth or for preventing, destroying, repelling, or mitigating any pest which may infest or be detrimental to vegetation, man, animals or households, or be present in any agricultural or non-agricultural environment, including fungicides, herbicides, insecticides, nematocides, rodenticides, desiccants, defoliant, and plant growth regulators.

E. “Organic Pesticide” shall mean a pesticide that is strictly of animal or vegetable origin.

F. “Public Health” shall mean the science and practice of protecting and improving the health of a community, as by preventive medicine, health education, control of communicable diseases, application of sanitary measures, and monitoring of environmental hazards.

G. “Rodenticides” shall mean a pesticide designed to kill rodent pests.

H. “Vector” shall mean any agent (animal, insect, or microorganism) that carries and transmits an infectious pathogen into another organism.

(Ordinance No. [O2011-0047](#), Enacted 4/10/2012, Effective 4/16/2012)

Section 602.02 Prohibition of the use of Pesticides on County Owned Property

The use of pesticides on property owned by Cuyahoga County is hereby prohibited.

(Ordinance No. [O2011-0047](#), Enacted 4/10/2012, Effective 4/16/2012)

Section 602.03 Exceptions

A. The application of larvicides and rodenticides is permitted as a public health measure necessary to reduce the spread of disease vectors pursuant to the recommendations and guidance provided by the Centers for Disease Control and Prevention, the US EPA and the Ohio Department of Agriculture. Any rodenticides used shall be placed in tamper-proof products, unless designed and registered for specific environments inaccessible to humans and pets.

B. The use of pesticides may be approved with a mandatory finding by the Department of Public Works through consultation with the City of Cleveland Department of Public Health or the Cuyahoga County Board of Health affirming after a finding that the health, safety and welfare of the community is so threatened that no reasonable alternative is available and the prohibition of the use of pesticides would create the potential for allowing a significant adverse impact to the public. Under said emergency circumstance, the Cuyahoga County Board of Health and the Department of Public Works shall report their findings to County Council at its next regularly scheduled meeting.

(Ordinance No. [O2011-0047](#), Enacted 4/10/2012, Effective 4/16/2012)

Section 602.04 Integrated Pest Management

A. Adoption of Program: The County shall adopt an Integrated Pest Management (IPM) program for County-owned properties.

B. IPM Program Requirements: The following steps outline the basic approach used in an IPM program:

1. Monitoring and scouting the turf or landscape in question;
2. Accurate record-keeping documenting any potential pest problems;
3. Evaluation of the site with regard to any injury caused by a pest in question and a determination made on which course of treatment to follow;
4. Chosen treatment to be the least damaging to the general environment and one that best preserves the natural ecosystem;

5. Chosen treatment to be the most likely to produce long-term reductions in pest control requirements. The effective implementation must be operationally feasible, and must be cost effective in the short and long term;
6. Chosen treatment must minimize negative impact to non-target organisms;
7. Chosen treatment must be the least disruptive of natural controls available;
8. Chosen treatment must be the least hazardous to human health.
9. All non-chemical and organic treatments available for the targeted pest should be exhausted prior to the use of synthetic chemical treatments.

C. The Department of Public Works shall provide training in IPM for all employees responsible for pest management.

(Ordinance No. [O2011-0047](#), Enacted 4/10/2012, Effective 4/16/2012)

Chapter 603: Fire and Smoke Damper Inspection Program

Section 603.01 Fire and Damper Inspection Program

There is hereby created a Cuyahoga County Fire and Smoke Damper Program for the purpose of ensuring all fire and smoke dampers in County owned buildings are in working order to prevent the spread of fire and smoke inside walls and floors.

(Ordinance No. [O2013-0017](#), Enacted 9/24/2013, Effective 9/27/2013)

Section 603.02 Definitions

A. **Fire damper:** A listed device installed in ducts and air transfer openings designed to close automatically upon detection of heat and resist the passage of flame. Fire dampers are classified for use in either static systems that will automatically shut down in the event of a fire, or in dynamic systems that continue to operate during a fire. A dynamic fire damper is tested and rated for closure under elevated temperature airflow.

B. **Smoke damper:** A listed device installed in ducts and air transfer openings designed to resist the passage of smoke. The device is installed to operate automatically, controlled by a smoke detection system, and where required, is capable of being positioned from a fire command center.

(Ordinance No. [O2013-0017](#), Enacted 9/24/2013, Effective 9/27/2013)

Section 603.03 Regularity and Monitoring Inspections

All fire and smoke damper units in buildings that are County owned shall be tested and inspected every four (4) years. Compliance with this testing and inspections shall be completed and monitored by the Department of Public Works and the Director of Public Works.

(Ordinance No. [O2013-0017](#), Enacted 9/24/2013, Effective 9/27/2013)

Section 603.04 Regulations Governing Testing and Inspections and Requirements for the Inspectors

The fire and smoke damper unit testing and inspections shall be conducted in accordance with National Fire Protection Association standards. The testing and inspections shall be conducted by technicians or contractors who have been certified by the International Certification Board and American National Standards Institute to ensure the quality and knowledge of the inspection process. If contracted, procurement of these technicians and contractors shall be made in accordance with the Contracts and Purchasing Procedures set forth in Title 5 of the Cuyahoga County Code by the Department of Public Works and the Director of Public Works.

(Ordinance No. [O2013-0017](#), Enacted 9/24/2013, Effective 9/27/2013)

Section 603.05 Repairs or Replacements

If any fire and smoke damper unit is found to be faulty or inoperable, repairs or replacements shall begin as soon as possible and be completed within sixty days (60) from the date the unit was found to be faulty or inoperable. All repairs or replacements of the fire and smoke damper units shall be completed and approved by technicians or contractors who are certified by the International Certification Board and American National Standards Institute. Compliance with the repairs or replacements shall be monitored by the Department of Public Works and the Director of Public Works. If contracted, procurement of these technicians and contractors shall be made in accordance with the Contracts and Purchasing Procedures set forth in Title 5 of the Cuyahoga County Code by the Department of Public Works and the Director of Public Works.

(Ordinance No. [O2013-0017](#), Enacted 9/24/2013, Effective 9/27/2013)

Section 603.06 Record and Reporting of Inspections and Repairs

All testing and inspections shall be documented indicating the location of each fire and smoke damper, date of the inspection, name of the inspector, deficiencies discovered, and any repairs or replacements completed. The results of the testing and inspections shall be given by technicians or contractors to the Department of Public Works and the Director of Public Works within thirty (30) days of the completion of each County owned building tested and inspected. The Department of Public Works and the Director of Public Works shall keep those testing and inspection reports until the next testing and inspection is completed four (4) years later. The Department of Public Works and the Director of Public Works shall publish on its website semiannual reports of the testing and inspection results (the first of which will cover the period January 1st – June 20th and will be due in July and the second of which will cover the period July 1st – December 21st and will be due in February). The Department of Public Works and the

Director of Public shall report to Council through a Council Meeting, Committee of the Whole, or a designated Committee of Council, as requested, the results of the testing and inspection.

Within one year of the effective date of this Ordinance, the County shall complete the inspection and repair of all fire and smoke dampers located in all County owned buildings. During this one-year period, the Department of Public Works and the Director of Public Works shall provide quarterly updates on the progress of the inspections and repairs through a council meeting, committee of the whole, or a designated committee of council. Within one year of the effective date of this Ordinance, the Department of Public Works and the Director of Public Works shall deliver a time-line regarding the County's timeline and scheduling for the on-going regular maintenance and repair of each fire and smoke damper in each County owned building through a council meeting, committee of the whole, or a designated committee of council.

(Ordinance No. [O2013-0017](#), Enacted 9/24/2013, Effective 9/27/2013)

Chapter 604: County Roadways

Section 604.01 Improvement and Maintenance of County Roads

A. The County shall not require a local funding match from municipalities for performing resurfacing of County roadways.

B. The Director of Public Works shall establish a process by which municipalities within the County may apply for a grant for reimbursement of the cost of materials used in performing routine maintenance of County roadways. The Department of Public Works shall annually identify and prioritize County roads in need of routine maintenance, and shall qualify eligible applicants in order of priority based on the following factors:

1. The availability of County resources; and
2. The condition of the individual County roadway and assessed need for routine maintenance

The County's reimbursement rates shall be set according to a rate schedule maintained by the Director of Public Works.

C. The Director of Public Works shall establish a process by which fiscally distressed municipalities may apply for a grant to subsidize the cost of labor and materials required to perform routine maintenance of County roadways. The Department of Public Works shall qualify eligible applicants in order of priority based on the following factors:

1. The availability of County resources;
2. The condition of the individual County roadway and assessed need for routine maintenance; and
3. The severity of fiscal distress of the applicant municipalities, as declared by the Auditor of State.

D. For the purposes of this Section a "fiscally distressed municipality" shall mean a municipality within Cuyahoga County declared by the Auditor of State to be under fiscal emergency, fiscal watch, or fiscal caution.

E. The routine maintenance tasks subject to partial or full reimbursement under this Section may include the following: curb ramp repairs, rebuilding of catch basins/manholes, pavement striping, crack sealing and street sweeping.

F. Contracts and agreements between the County and eligible municipalities to receive grants under parts (B) and (C) of this Section shall be reviewed and approved by the appropriate approval authority depending on the monetary threshold of each such contract or agreement in accordance with Chapter 501 of the Cuyahoga County Code.

G. Municipalities must participate in the Countywide Preventative Maintenance Program established pursuant to Section 806.02 of the Code to be eligible to apply for grants in accordance with parts (B) or (C) of this Section.

H. Provisions (A)-(G) of this Section shall expire five years from their effective date.

(Ordinance No. [O2014-0017](#), Enacted 7/22/2014, Effective 7/28/2014)

Title 7: Revenue and Finance

- [Chapter 701: Cuyahoga County Financial Policies](#)
- [Chapter 703: Capital Projects Fund](#)
- [Chapter 704: Delinquent Tax Anticipation Notes \(DTAN\)/Delinquent Tax and Assessment Collection \(DTAC\)](#)
- [Chapter 705: Water and Sewer Connection Charges](#)
- [Chapter 706: General Fund, Fund Balance Reserve Policy](#)
- [Chapter 707: Health and Human Services Levy Fund, Fund Balance Reserve Policy](#)
- [Chapter 708: Cuyahoga County 9-1-1 Consolidation Shared Services Fund](#)
- [Chapter 709: Community Development Fund](#)
- [Chapter 710: Cuyahoga County Educational Assistance Fund](#)
- [Chapter 711: Veterans Services Fund](#)
- [Chapter 713: Dog License and Animal Shelter Fees](#)
- [Chapter 714: Municipal Grant Programs](#)
- [Chapter 715: Social Impact Financing Fund](#)
- [Chapter 716: Background Check Service Fees \(General Public\)](#)
- [Chapter 717: Extension of Bed Tax for Capital Improvements](#)
- [Chapter 718: Payments by Financial Transaction Device](#)
- [Chapter 719: Payroll](#)
- [Chapter 720: County Motor Vehicle License Tax upon the operation of motor vehicles](#)
- [Chapter 723: Bicycle and Scooter Share Fund](#)
- [Chapter 724: Bed Tax for the Convention Center](#)
- [Chapter 725: Opioid Mitigation Fund](#)
- [Chapter 726: Sports Facility Reserve Fund](#)
- [Chapter 727: Sales and Use Tax](#)

Chapter 701: Cuyahoga County Financial Policies

Section 701.01 Two-Year Budget, Capital Improvements and Appropriations Process

The policy for adopting the operating budget and the capital improvements program for Cuyahoga County is established as follows:

A. The biennium for Cuyahoga County shall extend from January 1 of each even numbered year through December 31 of the following odd-numbered year.

B. The County Executive may perform any of the duties required in this section through his/her duly authorized designees.

C. Not later than at the first County Council meeting in October of each odd-numbered year, the County Executive shall submit to Council a proposed operating budget and capital improvements program for biennium beginning January 1 of the year following submission. The materials submitted shall include all information required by Section 2.03, Subsections 9, 10, and 11 of the Cuyahoga County Charter.

D. Not later than at the first County Council meeting in November of each even-numbered year, the County Executive shall submit to Council a report, updating the information provided in Subsection (C) above for the biennium. If the report includes changes to the budget or capital improvements program, the County Executive shall submit appropriate legislation along with the report.

E. The County Council shall review, amend as needed, and adopt the biennial operating budget and capital improvements program and make all necessary appropriations not later than December 15th of each odd-numbered year.

F. This section shall not alter any obligation placed on any County agency, department, board or commission by the Ohio Revised Code relative to the submittal of its budget in a manner that differs from the process described in this section.

(Ordinance Nos. [O2014-0004](#), Enacted 4/22/2014, Effective 4/23/2014; [O2011-0036](#), Enacted 9/13/2011, Effective 9/14/2011)

Section 701.02 Capital Improvements Policy

A. In order to protect the County's capital assets and effectively plan for future improvements, the Fiscal Officer shall maintain a master listing of all County capital assets and shall develop and implement written procedures to define the County's universe of capital assets and to ensure that all changes in County capital assets are documented in the master listing. The initial listing shall be completed no later than December 31, 2014. Any additions to or deletions from the list of capital assets shall be reflected in the listing no later than 30 days after the change occurs. Any descriptive information regarding each of the capital assets shall be updated at least annually.

B. The Office of Budget and Management in cooperation with the Department of Public Works shall maintain a Capital Improvements Plan, which shall include a list of projects intended to be initiated during the current biennium, along with the estimated cost and intended funding sources for each project, and a list of projects planned to be initiated during each of the next five years following the current biennium. The Plan shall recommend a level of capital improvements spending during the Plan's time frame that is consistent with long term cost-effectiveness.

C. Priority shall be given to capital improvements that will enhance the County's ability to provide high quality, cost-effective direct services.

D. The County shall commit to capital improvements that are within its capability to finance through short and long term resources. In making financing decisions on a capital project, the County shall consider both the ability to meet debt service obligations and the ability to meet ongoing direct service requirements.

E. To the extent possible, consistent with the prioritization of capital improvements based on need, the County shall prioritize projects that offer the greatest opportunities to leverage resources through intergovernmental programs, public/private partnerships, and service charges or user fees.

(Ordinance Nos. [O2014-0012](#), Enacted 6/10/2014, Effective 7/16/2014; [O2014-0004](#), Enacted 4/22/2014, Effective 4/23/2014; [O2011-0036](#), Enacted 9/13/2011, Effective 9/14/2011)

Section 701.03 Debt Management Policy

A. The County shall adhere to the requirements of general law regarding the types of debt instruments that may be issued, and any debt issued shall be within the direct and indirect debt limitations of the State of Ohio at the time of issuance.

B. The Fiscal Officer shall actively monitor the potential impact of financial market conditions on the cost effectiveness of the County's debt financing and may consult with the County's Investment Advisory Committee on decisions related to the County's debt portfolio.

C. The Capital Improvements Plan provided for in Section 701.02 (B) shall include a plan covering the types of debt and timing of issuances intended to be used in financing the improvements proposed in the plan.

D. To the extent within our its control, the County shall consistently and on an ongoing basis endeavor to obtain the best possible ratings for its debt instruments.

E. The Fiscal Officer shall prepare and publish an Annual Information Statement to provide current financial, economic, and demographic information about the County to investors, rating agencies, and the public.

(Ordinance No. [O2014-0012](#), Enacted 6/10/2014, Effective 7/16/2014)

Section 701.04 Requests for New Programs or Services Requiring an Additional Appropriation

Any requests for new programs or services that require an additional appropriation as a part of the biennial budget process or throughout the fiscal year shall include the following information and sections as part of the request for Council's consideration by the requesting department, board, agency, commission or other authority:

A. Program or service overview – detailing the request for additional appropriation

B. Program or service budget – itemize expenses related to personnel, other operating and capital outlays

C. Program or service Milestones/Timeline – outline the program or service's goals and objectives as well as key performance measures in order to ensure these goals or objectives are met

D. Program or service Staffing Levels – document the projected staffing levels required for the program or service including titles and salary and benefits

The requirements of this section shall also apply to existing programs or services only if there is a major expansion or shift in policy to existing programs or services but does not apply to additional appropriations that do not expand the goals or objectives of existing programs or services.

(Ordinance No. [O2014-0013](#), Enacted 6/24/2014, Effective 7/28/2014)

Section 701.05 Advance Notice of Proposed Compensation Changes

A. In order to provide for a more consistent approach to compensation and benefits for County employees, the County's policy shall be to request any Cuyahoga County department, office, agency, court, board, commission or other authority to which biennial budget appropriations are made provide thirty (30) days prior written notice to the Clerk of Council of any planned pay rate adjustments, cost of living adjustments, and/or merit pay awards applicable to all or a significant part of its non-bargaining employees. This provision shall not apply to any such adjustments and/or awards that have been specifically provided for in the biennial budget then in effect.

(Ordinance No. [O2013-0023](#), Enacted 7/8/2014, Effective 8/13/2014)

Section 701.06 Investment Policy

A. The Fiscal Officer shall publish on its website the County's written investment policies, as established and revised by the Investment Advisory Committee.

B. The County Treasurer shall conduct an ongoing analysis of the performance of the County's investment portfolio against the County's investment objectives, policies, procedures, and generally recognized performance benchmarks and shall use this analysis to better align the County's investments with the objectives, policies, and procedures and to improve performance against recognized benchmarks, consistent with safety and liquidity. The County Treasurer shall refer any recommendations for investment policy changes resulting from portfolio performance analysis to the Investment Advisory Committee and shall send a copy to County Council.

(Ordinance No. [O2014-0021](#), Enacted 10/14/2014, Effective 11/14/2014)

Section 701.07 Financial Reporting

A. Not later than March 31st of each year of the year, the Office of Budget and Management shall prepare, publish, and submit to Council a public presentation on the budget, which shall include the following:

1. An overview of County operations, programs, and finances reflecting prior year results and projections for the current year and one or more future years;
2. A presentation of key financial schedules;
3. A presentation of reserves on General Fund balance, describing each item and the likelihood that funds set aside for each item will actually need to be expended;
4. A detailed description of the budget process;
5. An analysis of County revenues;
6. A description of the various fund types used in budgeting;

7. Prior year results and current year goals on departmental performance measurement;
8. Program budgets for each department, office, or agency;
9. A description of the Capital Improvements Plan;
10. A list of the County's outstanding debt obligations and discussion of the County's debt management plan;
11. The list of outstanding loans made by the County, as provided for in Subsection E of this section; and
12. A brief overview of the most important aspects of the Biennial Operating Budget, presented so as to be easily understood and available as a separate document.

The budget presentation made in the second year of the biennium may be a summary of changes to the information required above, rather than a full report.

B. Not later than 45 days after the end of each calendar quarter, the Office of Budget and Management shall prepare, publish, and submit to Council a quarterly financial report, which shall include the following:

1. A presentation of key financial schedules, including reserves on General Fund balance;
2. A schedule of expenditures to date compared to budget for all departments, agencies, and other accounts within the General Fund and the Health and Human Services Levy Fund;
3. An update of projected revenues and expenses for the General Fund, the Health and Human Services Levy Fund, and all funds combined;
4. A list of bonds, notes, or other obligations of the County that expired, are new obligations, or were refinanced or restructured during the quarter; and
5. A discussion of likely impacts of actual and potential revenue and expenditure variations from the budget plan, including an update of changes, if any, to the presentation of reserves on General Fund balance provided for in Subsection 701.07(A)(3) above.

C. The Office of Budget and Management shall prepare, publish, and submit to Council a monthly financial report not later than fifteen (15) days after the end of each month, which shall be a brief narrative regarding any of the following that may have occurred during the preceding month:

1. Changes to the County's overall revenue and/or expense projections or to any major individual revenue or expense item;
2. Significant changes to the performance of any department or agency relative to its budget;
3. Any significant unexpected revenue or expense obligation; and
4. Changes to the projected performance of the County's General Fund and/or Health and Human Services Levy Fund against its reserve target.

D. The Fiscal Officer, County Treasurer, and the Investment Advisory Committee shall provide Council a copy of any investment reports generated through its office or committee.

E. The Office of Budget and Management, in coordination with the Department of Development and other County agencies, as needed, shall maintain and publish annually by March 31st of each year a list of all outstanding loans made by the County, including the amount, interest rate, and term of each loan and the amount of each loan that may be forgivable, if any. The Office of Budget and Management shall determine a written process for determining a reasonable and prudent portion of the total loan amount to hold in reserve against nonpayment of loans or the exercise of forgivable loan provisions. This reserve amount shall be reported as a reserve on balance against the General Fund, and it shall be updated at least quarterly with respect to new loans and at least annually with respect to the status of existing loans.

F. The county shall use best efforts to ensure timely completion of its work for the county's external audit to enable the external audit to be completed and filed by the next September 30th following each calendar year.

G. The Fiscal Officer shall post all reports required to be published under this section on his/her website. Such posting shall be the primary means of publication, but the Fiscal Officer may provide printed copies as needed. Reports required to be sent to Council may be sent electronically to the Clerk of Council, who shall send them to the members of Council.

(Ordinance No. [O2014-0021](#), Enacted 10/14/2014, Effective 11/14/2014)

Section 701.08 Financial Management Operations

A. The General Operating Fund may be used for any County funded activity, including health and human services.

B. In order to assist County departments and agencies to make effective resource allocation decisions, the Office of Budget and Management shall make recommendations regarding expenditure options. In making such recommendations, OBM shall consider but not be limited to options that meet one or more of the following priority objectives:

1. Provides services required by law, administrative regulation, court order, or current contractual agreement;
2. Provides services required to ensure public safety and welfare;
3. Supports efficient delivery of essential public services at current or expanded levels;
4. Promotes effective management control of resources;

5. Required to preserve a facility or protect a county asset;
6. Results in cost reductions in the current and/or future years or reduces the need for other costly County services; and
7. Leverages significant funding from sources other than local County funds.

C. Departments and agencies are expected to submit requests for additional personnel as part of the biennial budget process or the budget review prior to the second year of the biennium, in order not to create obligations prior to budget review. Personnel levels authorized in the budget for departments and agencies with more than fifty (50) full-time equivalent staff shall be considered an average for the year, provided that the staffing level is not managed so as to carry staffing above the authorized level into a subsequent year.

D. OBM shall monitor the County budget on an ongoing basis and submit legislation to Council to authorize any increases or decreases in appropriations, transfers between budget accounts, and cash transfers, except that OBM may, without legislation, make budget transfers that are within both the same index code and object code. OBM shall submit to Council any budget adjustments needed to ensure that all County funds meet requirements set forth in general law regarding positive fund balances, sufficiency of resources, and appropriation authority for expenditures.

E. OBM may decertify funds remaining in any encumbrance that has been inactive for over one year and is more than one year past the expiration of any contract related to that encumbrance, and OBM may submit budget amendments to Council to reduce appropriations by the amounts decertified.

F. Any increase or decrease in appropriation, transfer between budget accounts, and/or cash transfer initiated by Council outside of the biennial budget or second year budget update process shall be submitted to OBM by the Clerk of Council prior to introduction.

G. The Fiscal Officer shall certify that sufficient funds are available for all expenditures as provided in general law. Such certification shall be made prior to expenditure of funds, except that in exceptional circumstances, certification may be made through the “then and now” process authorized in general law.

(Ordinance No. [O2014-0033](#), Enacted 12/9/2014, Effective 1/14/2015)

Section 701.09 Long-Term Planning and Stabilization

A. OBM shall proactively monitor projected revenues and expenses, using a forecasting horizon of five (5) years or longer, and shall promptly report to the County Executive and Council any conditions or trends that threaten the County’s ability to maintain General Fund and Health and Human Services Levy Fund reserves at or above the thresholds provided in Chapters 706 and 707. Except during a sudden financial

emergency, such reports may be made as part of the regular financial reporting provided for in Section 701.07.

B. The County Executive and Council shall conduct a Reserve Stabilization Planning Process whenever any of the following occur:

1. The reserve percentage reaches twenty-six percent (26%) or less in the General Fund or eleven (11%) or less in the Health and Human Services Levy Fund; or
2. The Executive, OBM, or Council identifies trends reasonably expected to bring the General Fund and/or the Health and Human Services Levy Fund reserves below its reserve threshold with one year; or
3. There is an excess of operating expenses over revenues, net of one-time expenditures, in the General Fund or the Health and Human Services Levy fund of more than three percent (3%) in any fiscal year; or
4. The Executive and Council for any other reason agree to do so.

C. When conducting a Reserve Stabilization Planning Process, the County Executive and Council shall, within four (4) months after Subsection (B) of this section is triggered:

1. Prepare a plan for the affected fund(s) to ensure long term structural balance and maintain or restore the reserve percentage at or above its reserve threshold; and
2. Include in the plan a process for ongoing monitoring and revision of the plan, as needed.

(Ordinance No. [O2014-0033](#), Enacted 12/9/2014, Effective 1/14/2015)

Chapter 703: Capital Projects Fund

Section 703.01 Fund Established

The Fiscal Officer is hereby directed to establish a separate fund in the General Fund designated the Justice Center Capital Projects Fund in accordance with ORC Section 5705.13(C), for collecting and expending funds for the purposes set forth herein.

(Ordinance No. [O2022-0007](#), Enacted 12/6/2022, Effective 12/12/2022)

Section 703.02 Capital Improvements Policy

Funds in the Justice Center Capital Projects Fund shall be used solely to fund acquisition for, construction of, and improvements to a County correction center and courthouse.

(Ordinance No. [O2022-0007](#), Enacted 12/6/2022, Effective 12/12/2022)

Section 703.03 Source of Capital Projects Funds

As of the effective date of this Chapter, the Fiscal Officer shall immediately transfer \$53,609,757 from the General Fund into the Justice Center Capital Projects Fund. The Council may approve additional appropriations or cash transfers into the Justice Center Capital Projects Fund as needed.

(Ordinance No. [O2022-0007](#), Enacted 12/6/2022, Effective 12/12/2022)

Section 703.04 Termination of Capital Projects Fund

A. The Justice Center Capital Projects Fund shall terminate on the earliest of:

1. Ten years from the effective date of this Chapter;
2. A total of \$250,000,000.00 is accumulated in the Justice Center Capital Projects Fund; or
3. Repeal of this Chapter 703.

B. Any funds remaining in the Justice Center Capital Projects Fund upon its termination shall be returned to the General Fund

(Ordinance No. [O2022-0007](#), Enacted 12/6/2022, Effective 12/12/2022)

Chapter 704: Delinquent Tax Anticipation Notes (DTAN)/Delinquent Tax and Assessment Collection (DTAC)

Section 704.01 Additional DTAC Fee

Pursuant to and in accordance with Section 321.261(B) of the Ohio Revised Code and subject to the other provisions of this Chapter, this Council hereby designates the Additional DTAC Fee in the annual amount of five percent (5%) to be applied on all collections of delinquent real property, personal property and manufactured and mobile home taxes and assessments solely for the use of the Corporation as part of its annual base funding, commencing on January 1, 2014 and continuing through December 31, 2030.

(Ordinance Nos. [O2024-0006](#), Enacted 7/2/2024, Effective 8/1/2024; [O2019-0001](#), Enacted 2/26/2019, Effective 3/31/2019; [O2018-0012](#), Enacted 11/27/2018, Effective 11/28/2018; [O2013-0019](#), Enacted 10/8/2013, Effective 10/10/2013; [O2012-0022](#), Enacted 9/25/2012, Effective 10/26/2012; [O2011-0041](#), Enacted 11/9/2011, Effective 12/10/2011)

Section 704.02 Maximum Base Funding

Notwithstanding the provisions of Section 704.01 of the Cuyahoga County Code, the aggregate amount transferred to the Corporation from the DTAC Fund and the penalties and interest on current late and delinquent taxes and assessments deposited into the County Land Reutilization Fund in any single fiscal year of the Corporation shall not exceed \$7,000,000.00 (the "Maximum Annual Base Funding Amount").

(Ordinance Nos. [O2013-0019](#), Enacted 10/8/2013, Effective 10/10/2013; [O2012-0022](#), Enacted 9/25/2012, Effective 10/26/2012; [O2011-0041](#), Enacted 11/9/2011, Effective 12/10/2011)

Section 704.03 Deposit and Appropriation of Additional DTAC Fee

All amounts constituting the Additional DTAC Fee shall be deposited in the DTAC Fund, and such amounts upon their deposit in such fund, subject to the provisions of Section

704.02 of the Cuyahoga County Code, are hereby appropriated for the sole use of the Corporation and shall be disbursed to the Corporation upon warrant of the Fiscal Officer of the County (the "Fiscal Officer").

(Ordinance Nos. [O2013-0019](#), Enacted 10/8/2013, Effective 10/10/2013; [O2012-0022](#), Enacted 9/25/2012, Effective 10/26/2012; [O2011-0041](#), Enacted 11/9/2011, Effective 12/10/2011)

Section 704.04 Replacement of DTAN

The issuance of DTAC funds under this Chapter shall be contingent upon the County Treasurer not electing to recommend issuance of DTAN advances pursuant to Sections 321.341 and 133.082 of the Ohio Revised Code. Should DTAN advances be issued, the additional 5% DTAC fee under this Chapter shall no longer be applied.

(Ordinance Nos. [O2012-0022](#), Enacted 9/25/2012, Effective 10/26/2012; [O2011-0041](#), Enacted 11/9/2011, Effective 12/10/2011)

Chapter 705: Water and Sewer Connection Charges

Section 705.01 Payment Procedures for County Sewer District No. 14

A. A property owner who connects any building, structure or other facility, either directly or indirectly, to the County's water and sewer facilities in County's Sewer District No. 14 shall pay the County a connection charge by electing one of the following payment options:

1. Pay the full amount of the connection charge; or
2. Enter into a payment program for a period not to exceed twenty (20) years.

B. A payment plan shall be based on the applicable connection charge schedule, plus applicable interest at a rate of not less than 3.00%, as determined by the Director of Public Works. A payment plan and collection of funds will be established in accordance with Section 6117.02 of the Ohio Revised Code, and the Department of Public Works may require any additional assurances for payment, including the procurement and recording of a mortgage loan document.

C. Section 705.01 is intended to establish a payment plan for water and sewer connection charges payable by individual homeowners located in County Sewer District No. 14 that connect to new or existing County water and sewer facilities. The payment plan authorized by this Section 705.01 is not available to commercial property owners or developers of industrial, commercial or residential property.

D. Cuyahoga County Resolution Nos. 052208 and 052209, each dated 6/2/2005, which established charges payable for connection to the County's water and sewer facilities in County Sewer District No. 14, are hereby amended to reflect a repayment period not to exceed twenty (20) years for all connection charges payable by property owners connecting to water and sewer facilities in County Sewer District No. 14.

(Ordinance Nos. [O2023-0010](#), Enacted 6/6/2023, Effective 6/13/2023; [O2014-0011](#), Enacted 4/22/2014, Effective 4/23/2014; [O2011-0040](#), Enacted 8/9/2011, Effective 8/15/2011 ; [O2011-0024](#), Enacted 5/10/2011, Effective 5/17/2011; [O2011-0007](#), Enacted 1/25/2011, Effective 1/28/2011)

Section 705.02 Reserved

Section 705.03 Sewer Connection Charges for 2008 Bagley Road Sewer Project

A. All property owners converting from a septic system to a main sanitary line on Bagley Road, who connect to the 2008 Bagley Road Sewer Project, shall pay the 2008 sewer connection charge, as set forth in Resolution No. 052209, dated June 2, 2005.

B. Any affected property owners on Bagley Road who connected to the 2008 Bagley Road Sewer Project and previously paid sewer connection charges under the 2009 - 2015 rates shall be refunded any amounts paid in excess of the 2008 rates as set forth in Resolution No. 052209, dated June 2, 2005.

C. Section 705.03 of the Cuyahoga County Code is intended to alleviate the hardships on individual homeowners and property owners on Bagley Road who were existing property owners at the time the 2008 Bagley Road Sewer Project was constructed by the County. Property owners or developers who acquired or developed properties on Bagley Road subsequent to 2008 are ineligible to receive the sewer connection rates set forth in Section 705.03.

D. All property owners connecting to the 2008 Bagley Road Sewer Project shall benefit from the payment procedures for County Sewer District No.14 set forth in Section 705.01.

E. Section 705.03 is applicable to the 2008 Bagley Road Sewer Project constructed by the County on Bagley Road in 2008, as indicated in the drawing attached as Exhibit A.

F. Cuyahoga County Resolution No. 052209, dated 6/2/2005, which established the charges payable for connection to the County's sanitary sewerage system in County Sewer District No. 14, is hereby amended to reflect that property owners connecting to the 2008 Bagley Road Sewer Project from 2008 until 2015 will be responsible to pay the sewer connection charges established for 2008 fiscal year.

(Clerk's Note: A true copy of Exhibit A is attached to Ordinance No. O2015-0011 below.)

(Ordinance No. [O2015-0011](#), Enacted 7/14/2015, Effective 7/16/2015)

Section 705.04 Sewer Connection Charges for Cook and Columbia Phase V Sanitary Sewer Project

A. All property owners converting from a septic system to a sanitary sewer main line, who connect to the Cook and Columbia Phase V Sanitary Sewer Project, shall pay the 2015 sewer connection charge, as set forth in Resolution No. 052209, dated June 2, 2005.

B. Section 705.04 of the Cuyahoga County Code is intended to alleviate hardship only on property owners identified in Exhibit A who pay connection charges prior to March 31, 2019.

C. All property owners connecting to the Cook and Columbia Phase V Sanitary Sewer Project shall benefit from the payment program for County Sewer District No. 14 set forth in Section 705.01, provided that the application to enter into the payment program is submitted to the County prior to March 31, 2019.

D. Section 705.04 is applicable to the property owners that connect to the Cook and Columbia Phase V Sanitary Sewer Project constructed by the County on Cook Road, Columbia Road and Nobottom Road in Olmsted Township, as indicated in the drawing attached as Exhibit B.

E. Cuyahoga County Resolution No. 052209, dated 6/2/2005, which established charges payable for connection to the County's sewer facilities in County Sewer District No. 14, is hereby amended to reflect that property owners connecting to the Cook and Columbia Phase V Sanitary Sewer Project that pay connection charges prior to March 31, 2019 are responsible to pay the sewer connection charges established for the 2015 fiscal year.

(Clerk's Note: A true copy of Exhibits A and B are attached to Ordinance No. O2018-0010 below.)

(Ordinance No. [O2018-0010](#), Enacted 9/25/2018, Effective 9/27/2018)

Chapter 706: General Fund, Fund Balance Reserve Policy

Section 706.01 General Fund Reserve Policy

Cuyahoga County shall maintain a General Fund Reserve Balance of at least twenty-five percent (25%) of the prior year's actual General Fund expenditures. Capital expenditures paid for from the General Fund shall be included as expenditures only to the extent of \$10 million. Expenditures, normally paid for from the General fund, that are instead paid for from a special one-time revenue source, to the extent that they exceed \$10 million, shall be included as General Fund expenditures. The Fiscal Officer shall calculate the General Fund Reserve requirement and publish it annually as part of the Results of Operations Report. Designation of a possible future expenditure as a "reserve on balance" shall not be considered an obligation which must be subtracted from the cash balance to determine available reserves.

(Ordinance Nos. [O2021-0010](#), Enacted 7/6/2021, Effective 7/8/2021; [O2011-0056](#), Enacted 5/8/2012, Effective 5/11/2012)

Section 706.02 Permitted Uses

The General Fund Reserve may only be used to stabilize revenues, mitigate a projected deficit in the current operating period, retire or defease outstanding bonds or notes of the County, fund one-time or unanticipated expenditures, and pay judgments or otherwise settle legal disputes and claims.

(Ordinance No. [O2011-0056](#), Enacted 5/8/2012, Effective 5/11/2012)

Section 706.03 Reduction in General Fund Reserve Balance

A. Any legislative action that results in reducing General Fund reserves below the twenty-five percent (25%) threshold shall contain a provision authorizing the use of reserves.

B. The County Executive shall inform the Council, with at least one hundred twenty (120) days' notice whenever possible, whenever the County has obligations that would reasonably be expected to result in the General Fund reserve declining below the twenty-five percent (25%) threshold.

C. At any other time that the Council determines that the use of General Fund reserves within the twenty-five percent (25%) threshold is needed for one or more of the reasons

provided for in Section 706.02 of the Cuyahoga County Code, the Council shall by resolution, authorize the use of such reserves.

(Ordinance No. [O2011-0056](#), Enacted 5/8/2012, Effective 5/11/2012)

Chapter 707: Health and Human Services Levy Fund, Fund Balance Reserve Policy

Section 707.01 Health and Human Services Levy Reserve Policy

Cuyahoga County shall maintain a Health and Human Services Levy Fund Reserve of at least ten percent (10%) of the prior year's actual Health and Human Services Levy Fund expenditures. Any expenditures, normally paid for by the Health and Human Services Levy Fund, that are instead paid for by a special one-time revenue source, to the extent that they exceed \$10 million, shall be included as Health and Human Services Levy Fund expenditures. The Fiscal Officer shall calculate the Health and Human Services Reserve requirement and publish it annually as part of the Results of Operations Report. Designation of a possible future expenditure as a "reserve on balance" shall not be considered an obligation which must be subtracted from the cash balance to determine available reserves.

(Ordinance Nos. [O2021-0010](#), Enacted 7/6/2021, Effective 7/8/2021; [O2011-0058](#), Enacted 5/8/2012, Effective 5/11/2012)

Section 707.02 Permitted Uses

The reserve may only be used to stabilize revenues, mitigate a projected deficit in the current operating period, retire or defease outstanding bonds or notes of the County, fund one-time or unanticipated expenditures, and pay judgments or otherwise settle legal disputes and claims.

(Ordinance No. [O2011-0058](#), Enacted 5/8/2012, Effective 5/11/2012)

Section 707.03 Reduction in Reserve Balance

A. Any legislative action that results in reducing Health and Human Services Levy Fund reserves below the reserve balance target set in Section 707.01 shall contain a provision authorizing the use of reserves.

B. The County Executive shall inform the Council, with at least one hundred twenty (120) days' notice whenever possible, whenever the County has obligations that would reasonably be expected to result in the Health and Human Services Levy Fund reserve declining below the reserve balance target set in Section 707.01.

C. At any other time that the Council determines that the use of Health and Human Services Levy Fund reserves within the reserve balance target set in Section 707.01 are needed for one or more of the reasons provided for in Section 707.02, the Council shall, by resolution, authorize the use of such reserves.

(Ordinance No. [O2011-0058](#), Enacted 5/8/2012, Effective 5/11/2012)

Chapter 708: Cuyahoga County 9-1-1 Consolidation Shared Services Fund

Section 708.01 Cuyahoga County 9-1-1 Consolidation Shared Services Fund

There is hereby created the Cuyahoga County 9-1-1 Consolidation Shared Services Fund to support communities in consolidating their 9-1-1 Public Safety Answering Points, called dispatch centers; operate their dispatch centers more efficiently; and more effectively deliver public safety services.

(Ordinance No. [O2013-0010](#), Enacted 4/9/2013, Effective 4/11/2013)

Section 708.02 Review and Award

All applications to the 9-1-1 Consolidation Shared Services Fund shall be reviewed by the 9-1-1 Consolidation Shared Services Fund Review Committee for a recommendation of award. Any award recommendations by the 9-1-1 Consolidation Shared Services Fund Review Committee, regardless of monetary threshold, shall be subject to adoption by County Council.

(Ordinance No. [O2013-0010](#), Enacted 4/9/2013, Effective 4/11/2013)

Chapter 709: Community Development Fund

Section 709.01 The Community Development Fund

The Fiscal Officer is hereby directed to immediately establish a separate fund for the purpose of collecting and expending gross casino revenues distributed to Cuyahoga County (the “Community Development Fund” or “the Fund”). All such revenues shall be automatically transferred from the General Fund into the Fund and may be used only in the time frame and purpose authorized in Chapter 709 of the County Code.

(Ordinance Nos. [O2018-0005](#), Enacted 05/29/2018, Effective 05/31/2018; [O2012-0011](#), Enacted 10/23/2012, Effective 10/24/2012)

Section 709.02 Allowable Use of Funds

Funds in the Community Development Fund may be used to:

- A. promote economic and community development in any area of Cuyahoga County; and
- B. provide additional funding for educational initiatives, including the Cuyahoga County Educational Assistance Fund.

(Ordinance Nos. [O2018-0005](#), Enacted 05/29/2018; Effective 05/31/2018 [O2015-0003](#), Enacted 6/28/2016, Effective 7/1/2016; [O2012-0011](#), Enacted 10/23/2012, Effective 10/24/2012)

Chapter 710: Cuyahoga County Educational Assistance Fund

The Cuyahoga County Educational Assistance Fund is hereby established for the purpose of depositing all revenue and other funds intended to be used for the Cuyahoga County Educational Assistance Program.

(Ordinance Nos. [O2013-0011](#), Enacted 6/11/2013, Effective 6/13/2013; [O2012-0007](#), Enacted 7/10/2012, Effective 7/12/2012)

Chapter 711: Veterans Services Fund

Section 711.01 Veterans Services Fund Established

There is hereby created a Veterans Services Fund, which shall be for the purpose of providing services to or funding programs for veterans residing in Cuyahoga County. The Fiscal Officer is hereby directed to immediately establish a separate fund for the purpose of collecting and expending unspent monies budgeted for the Veterans Services Commission in Cuyahoga County and returned to the County's general fund each fiscal year. All such monies shall be automatically directed and deposited into the Fund and shall only be used for the purposes authorized herein.

(Ordinance No. [O2012-0013](#), Enacted 7/10/2012, Effective 8/11/2012)

Section 711.02 Funding Sources

The Veterans Services Fund shall be funded from any funds budgeted for the Veterans Service Commission in Cuyahoga County and returned to the County General Fund each fiscal year. Funds may also be directed to the Veterans Services Fund by Council during the regular budget process.

(Ordinance No. [O2012-0013](#), Enacted 7/10/2012, Effective 8/11/2012)

Section 711.03 Fund Uses

Cuyahoga County Council shall determine the services and programs that shall be provided or funded from the Veterans Services Fund, consistent with the amount of funds available and with the purpose of the Fund established in Section 711.01 of the Cuyahoga County Code. Notwithstanding the above, 20% of the funds available each fiscal year shall be used for a workforce development program, established by Council, to assist veterans with the costs of post-secondary education.

(Ordinance No. [O2012-0013](#), Enacted 7/10/2012, Effective 8/11/2012)

Chapter 713: Dog License and Animal Shelter Fees

Section 713.01 Dog License Fees Established

Effective December 1, 2013, Cuyahoga County shall collect a Dog License Fee pursuant to O.R.C. Chapter 955, et seq. and other applicable laws for registration for a 1 year dog license, 3 year dog license and permanent dog license. The dog license fees for spayed and neutered dogs shall be as follows:

- A. 1 Year Dog License Fee is \$20 per dog.
- B. 3 Year Dog License Fee is \$60 per dog.
- C. Permanent Dog License Fee is \$200 per dog.
- D. Kennel Registration Fee is \$100.
- E. The Ohio State University College of Veterinary Medicine shall receive 10 cents for each 1 Year Dog License; 30 cents for each 3 Year Dog License; and \$1.00 for each Permanent Dog License.

(Ordinance No. [O2013-0021](#), Enacted 8/27/2013, Effective 8/28/2013)

Section 713.02 Animal Shelter Fees

A. The Director of Public Works shall promulgate a fee schedule for services offered by the Cuyahoga County Animal Shelter, including but not limited to, fees associated with the adoption of dogs. The fee schedule shall be promulgated as a rule in accordance with Chapter 113 of the County Code.

B. Notwithstanding paragraph (A) of this Section, the Director of Public Works may waive any or all fees associated with the adoption of dogs, other than the dog license fee established pursuant to Section 713.01. The Director's determination to waive fees associated with the adoption of dogs shall be made on an individual basis and shall rely on the following factors:

1. Costs incurred by the County in providing the service, including but not limited to personnel and other administrative costs;
2. Whether the County is providing a special adoption or promotional event;
3. Whether the dogs are a bonded pair;
4. Overcrowding conditions, availability of space and population at the animal shelter;
5. The health and medical condition of the dogs;
6. The length of time the dogs have been at the animal shelter; and

7. Whether the dogs will be euthanized if not adopted.

(Ordinance Nos. [O2015-0009](#), Enacted 6/23/2015, Effective 6/25/2015; [O2014-0024](#), Enacted 9/9/2014, Effective 9/16/2014)

Chapter 714: Municipal Grant Programs

Section 714.01 Cuyahoga Community Development Block Grant Program

A. Program Established

There is hereby created the Cuyahoga County Community Development Block Grant program consistent with all requirements set forth by the Department of Housing and Urban Development (“HUD”) under applicable federal law and regulations, including but not limited to the regulations codified in Title 24 Code of Federal Regulations (CFR) §570.

B. Program Administration

The Cuyahoga County Community Development Block Grant (“CDBG”) program shall be administered by the Cuyahoga County Executive through the Cuyahoga County Department of Development.

C. Funding Source

The CDBG program shall be funded through entitlement funds allocated to Cuyahoga County each fiscal year by HUD, as determined by the Director of Development, consistent with the cooperation agreements between Cuyahoga County and each Urban County member community.

D. Eligibility Requirements

To be eligible to receive CDBG funding for an eligible activity through the Municipal Grant Program, a local community shall meet the following criteria and all other requirements of applicable federal law and regulations including in Title 24 CFR §570:

1. The community must be a signatory to the Cuyahoga County Urban County Cooperation Agreement pursuant to 24 CFR §570.503(a); and
2. The community must be able to document appropriate activities to affirmatively further fair housing choice; and
3. The community must document its compliance with citizen participation requirements as set forth in Cuyahoga County’s Community Development Block Grant Citizen Participation Plan pursuant to 24 CFR §570.302; and
4. The proposed activity must meet one of the three national objectives that benefit low-and moderate-income persons, aid in the prevention of elimination of slums and blight, or meet other community development needs of an urgent nature that present a serious and immediate threat to the health or welfare of the community. These initiatives include but are not limited to the following HUD eligible activities:

- a. community master plans,
 - b. housing and commercial demolition,
 - c. infrastructure,
 - d. public safety,
 - e. streetscapes,
 - f. parks and playgrounds, or
 - g. community and senior centers.
5. The community must be in compliance with any existing contract for CDBG funds as determined by the Department of Development.
 6. For eligible activities which serve a defined area within a local community, the defined area must meet HUD's requirements which may include a location in an Improvement Target Area defined by Cuyahoga County, location in an area which meets Improvement Target Area guidelines as documented by the local community, or a location in and service to an area with a certain percentage of households having incomes at or below a certain level according to HUD-approved survey data; and
 7. The Department of Development shall issue written requirements for each year's application format, contents, and required attachments; and
 8. The Department of Development shall establish and notify local communities of each year's application deadline and other requirements regarding the application deadline.

E. Evaluation Criteria

The Department of Development shall administer an evaluation process in which all timely submitted and properly completed applications for CDBG funding eligible activities shall be scored using an objective numerical rating system. The Department of Development may invite knowledgeable officials of other County departments and non-Urban County local communities to serve on a rating and ranking committee for this evaluation.

(Ordinance Nos. [O2015-0003](#), Enacted 6/28/2016, Effective 7/1/2016; [O2014-0006](#), Enacted 11/12/2014, Effective 11/13/2014)

Section 714.02 County Community Development Supplemental Grant Program

A. Program Established

There is hereby created the Cuyahoga County Community Supplemental Block Grant program to be administered in conjunction with and using the same grant process as the County Community Development Block Grant Program.

B. Program Administration

The Cuyahoga County Community Development Supplemental Grant ("CDSG") program shall be administered by the Cuyahoga County Executive through the Cuyahoga County Department of Development.

C. Funding Source

The CDSG program shall be funded through the Community Development Fund as established in Chapter 709 of the County Code. Not less than one million, five-hundred thousand dollars (\$1,500,000.00) of the funds transferred into the Community Development Fund annually, shall be used to fund the Cuyahoga County Community Development Supplemental Grant program. An amount not to exceed three percent (3%) of the funds budgeted for the CDSG program may be used to pay costs to administer the program.

D. Eligibility Requirements

To be eligible to receive CDSG funds through the Municipal Grant Program, applicants shall meet the following criteria:

1. All applicants must be municipal corporations, townships, or not-for-profit community development corporations tax-exempt under Section 501(c)(3) of the Internal Revenue Code located within Cuyahoga County. To be eligible to apply, a not-for-profit community development corporation must be incorporated for not less than two years prior to the application deadline set by the Department of Development; provided, however, that community development corporations in existence on or before the original effective date of this provision shall be eligible to apply; and
2. The applicant must be able to document appropriate activities to affirmatively further fair housing choice; and
3. The applicant must document its compliance with citizen participation requirements as set forth either in Cuyahoga County's Community Development Block Grant Citizen Participation Plan or in a citizen participation plan prepared by an entitlement community pursuant to 24 CFR §570.302; and
4. All application projects must meet a community development need related to the health or welfare of the community. These initiatives include but are not limited to the following eligible activities:
 - a. community master plans,
 - b. housing and commercial demolition,
 - c. infrastructure,
 - d. public safety,
 - e. streetscapes,
 - f. parks and playgrounds, or
 - g. community and senior centers
5. The applicant must be in compliance with all existing contracts for CDBG and CDSG funds previously allocated pursuant to this Chapter by the date of the current application deadline as determined by the Department of Development; and
6. Applications must specify the location of all projects; and
7. All documents required by the Department of Development must be contained within the application or attached; and

8. All applications must be received by the deadline as set by the Department of Development.

E. Evaluation Criteria

1. The Department of Development shall issue written requirements for each year's application format, contents, and required attachments; and all documents required by the Department of Development must be contained within the application or attached.
2. The Department of Development shall establish and notify local communities of each year's application deadline and other requirements regarding the application deadline. All applications must be received by the deadline as set by the Department of Development.
3. The Department of Development shall evaluate applications based upon factors including, but not limited to, the following:
 - a. That the application meets the eligibility requirements specified in paragraph (D) of this section.
 - b. That the project specified in the application may complement or otherwise enhance other projects supported through other funding sources.
4. Each Community Development Supplemental Grant award shall not exceed \$50,000.00.

(Ordinance Nos. [O2020-0001](#), Enacted 2/11/2020, Effective 2/21/2020; [O2018-0005](#), Enacted 5/29/2018, Effective 5/31/2018; [O2015-0003](#), Enacted 6/28/2016, Effective 7/1/2016; [O2014-0006](#), Enacted 11/12/2014, Effective 11/13/2014)

Sections 714.03-714.06 Repealed on 6/28/2016 by Ordinance No. O2015-0003.

Chapter 715: Social Impact Financing Fund

Section 715.01 Fund Established

There is hereby established the Cuyahoga County Social Impact Financing Fund for the purpose of leveraging private investment in Cuyahoga County's social service system. The Fund is to be subsidized through the County's Health and Human Services Levy proceeds.

(Ordinance No. [O2014-0018](#), Enacted 7/22/2014, Effective 8/27/2014)

Section 715.02 Fund Uses

The Social Impact Financing Fund may only be used to match non-county funds invested in Cuyahoga County's social service system as follows:

A. Private investment funds will be used to fund social services that are expected to prevent clients' ongoing need for services, lead to County budget savings, and improved outcomes; and

B. Success payments will be made from the Social Impact Financing Fund to service providers or convening entities to repay the private investment. The pay-for-success contracts will provide the terms for the success payments.

(Ordinance No. [O2014-0018](#), Enacted 7/22/2014, Effective 8/27/2014)

Section 715.03 Contracts financed through Social Impact Financing Fund

The Executive, through the appropriate county departments, may negotiate and enter into pay for success contracts as follows:

A. Each such contract shall generally comply with the following guidelines:

1. Since pay-for-success contracts are a performance-based contracting strategy, they must include the requirement that a substantial portion of the government's payment is conditioned on the achievement of specific outcomes based on defined performance targets:
 - a. Cuyahoga County will make success payments to service providers from the Social Impact Financing Fund following the service providers' successful provision of services and achievement of the proposed outcomes. The provision of services may be through direct work with the target population or subcontracts;

- b. Service delivery will utilize evidence based and/or informed interventions that have been evaluated to achieve positive outcomes; and
 - c. The County will establish precise performance targets that the service providers must meet to receive any County success payment for services. County data will be used to validate the achievement of performance targets.
2. The contracts must include an objective process by which an independent evaluator will determine whether the performance targets have been achieved:
- a. The independent evaluator will be a college, university, or other objective entity that has the appropriate research and evaluation background, skills and capacity to analyze the identified county data;
 - b. The independent evaluator will not have a stake in the achievement of the performance targets or outcomes; and
 - c. The independent evaluator must not have conflicts of interest with the service providers or County.
 - d. The conflicts must include a calculation of the amount and timing of payments that would be earned by the service provider during each year of the agreement if performance targets are achieved as determined by the independent evaluator;
 - e. The value of the payments will be based upon the cashable savings to the County and/or targeted outcomes achieved from the service delivery;
 - f. For multi-year projects, the independent evaluator will evaluate change within the target population on an ongoing basis; and
 - g. The evaluator will present ongoing findings to the County and services providers. The County and service providers will identify corrective actions to address under-performance of the project or an expedited wind-down of the services.

B. All contracts entered pursuant to this Chapter shall be subject to the approval of the appropriate contracting approval authority under Chapter 501 of the County Code. The request for approval from the appropriate contracting approval authority shall include the following:

- 1. The rate of the County's match of non-county funds; and
- 2. A determination by the Director of Health and Human Services and the Fiscal Officer that, in their reasonable judgment, the contract will result in significant performance improvements and budgetary savings across all impacted agencies if the performance targets are achieved.

C. All contracts entered pursuant to this Chapter shall be subject to the approval of the Director of Law or his or her designee before being executed by the County Executive.

D. Contracts entered pursuant to this Chapter whose duration extends beyond the County's budget cycle shall be subject to the County's annual appropriation process. For any contracts entered pursuant to this Chapter, the Fiscal Officer shall annually encumber the portion of the contract funds through the next year of the contract. The County's payment obligations shall be determined in the contracts themselves, as approved by the Director of Law and the appropriate contracting approval authority

under Chapter 501, and nothing in this Chapter may be interpreted to automatically obligate the County to pay under the contract in the event that the performance targets are not achieved.

(Ordinance No. [O2014-0018](#), Enacted 7/22/2014, Effective 8/27/2014)

Section 715.04 Administration of Social Impact Financing Fund and Reporting to County Council

A. The Fiscal Officer shall administer the Social Impact Financing Fund and ensure that all funds appropriated as described in this Chapter are deposited into the Fund and shall make payments from the Fund in accordance with the terms and conditions of the contracts.

B. The Social Impact Financing Fund shall not exceed \$5,000,000.

C. The Fiscal Officer shall provide an annual status report on all contracts entered pursuant to this Chapter to County Council no later than May 1st of each year.

(Ordinance No. [O2014-0018](#), Enacted 7/22/2014, Effective 8/27/2014)

Chapter 716: Background Check Service Fees (General Public)

Section 716.01 Establishment of Fees for Fingerprints and Web Checks

The Sheriff's Department shall collect and deposit fees for concealed handgun licenses in accordance with the Ohio Revised Code. For all other fingerprint and background check services, the Sheriff's Department shall establish the fees. The fees established by the Sheriff's Department may include the following:

- A. The costs assessed to the Sheriff's Department by the Bureau of Criminal Investigation and the Federal Bureau of Investigation to perform the checks; and
- B. The costs incurred by the Sheriff's Department in performing these services, including personnel and technology costs.

(Ordinance No. [O2014-0019](#), Enacted 8/12/2014, Effective 8/15/2014)

Section 716.02 Posting of Fees on Web Site

The Sheriff's Department shall post the most up-to-date fees to conduct background check services on its web site.

(Ordinance No. [O2014-0019](#), Enacted 8/12/2014, Effective 8/15/2014)

Chapter 717: Extension of Bed Tax for Capital Improvements

Section 717.01: Definitions

The following definitions shall apply for purposes of Chapter 717 of the County Code only:

A. **“Bed Tax Cooperative Agreements”** shall refer to the cooperative agreements entered between and among Cuyahoga County, the Cleveland-Cuyahoga County Port Authority, the City of Cleveland, and the Rock and Roll Hall of Fame Museum pursuant to then R.C. 5739.024(D) for the purpose of providing contributions as provided for in R.C. 307.671(B)(1).

B. **“Capital Improvement Bed Tax”** shall refer to the bed taxes imposed by Cuyahoga County in 1993 pursuant to then R.C. 5739.024(D) for the purpose of providing contributions as provided for in R.C. 307.671(B)(1).

C. **“County-City Agreement”** shall refer to the Agreement between the County, Positively Cleveland, and the Mayor of the City of Cleveland regarding the use of the extended Capital Improvement Bed Tax proceeds, as approved by a majority of the mayors of the other municipal corporations in the County pursuant to R.C. 5739.09(H)(6)(a).

(Ordinance No. [O2014-0020](#), Enacted 8/12/2014, Effective 8/15/2014)

Section 717.02: Deposit of Capital Improvement Bed Tax into General Fund

When proceeds of the Capital Improvement Bed Tax are no longer needed for their original purpose outlined in the Bed Tax Cooperative Agreements as determined by the Fiscal Officer, said proceeds shall be deposited into the general fund of Cuyahoga County.

(Ordinance No. [O2014-0020](#), Enacted 8/12/2014, Effective 8/15/2014)

Section 717.03: Extension of the Capital Improvement Bed Tax

The Capital Improvement Bed Tax is hereby extended at a rate of one and one-half percent on transactions by which lodging by a hotel is or is to be furnished to transient guests beginning when the Capital Improvement Bed Tax proceeds are no longer needed and shall remain in effect for a period of forty years from the date on which Chapter 717 goes into effect.

(Ordinance No. [O2014-0020](#), Enacted 8/12/2014, Effective 8/15/2014)

Section 717.04: Use of Extended Capital Improvement Bed Tax Proceeds

The Capital Improvement Bed Tax proceeds shall be used in accordance with the County-City Agreement. The County-City Agreement shall provide that the extended Capital Improvement Bed Tax Proceeds shall be distributed to Positively Cleveland to be used for the direct and indirect costs of capital improvements, including the financing of capital improvements. Examples of such capital improvements include, but are not limited to, capital improvements through Positively Cleveland or other local organizations for the following: major political and/or other large conventions, Rock and Roll Hall of Fame Induction ceremonies and/or events, the support of tourism, and/or other major special events and/or other events. Positively Cleveland shall annually update the County Executive, County Council, the Cuyahoga County Mayors and Managers Association, the Mayor of Cleveland, and Cleveland City Council regarding the use of the Capital Improvement Bed Tax funds.

(Ordinance No. [O2014-0020](#), Enacted 8/12/2014, Effective 8/15/2014)

Section 717.05: Implementation of Extension of Capital Improvement Bed Tax

The County Executive or his authorized designee may take all actions, deposit and distribute the tax proceeds, and execute all documents, contracts, amendments and agreements on behalf of Cuyahoga County as necessary to consummate the transactions and carry out the terms and conditions set forth in this Chapter.

(Ordinance No. [O2014-0020](#), Enacted 8/12/2014, Effective 8/15/2014)

Chapter 718: Payments by Financial Transaction Device

Section 718.01: Definitions

As used in Chapter 718 of the Cuyahoga County Code:

A. "County Entity" or "County entity" includes the County and any County office, officer, official, department, agency, court, board, commission, committee, organization, corporation, or any other County Entity established by or pursuant to the Charter of Cuyahoga County, the Ohio Constitution, or Ohio law.

B. "County Expense" or "County expense" shall be interpreted broadly, and it shall include, without limitation, any and all fees, costs, taxes, assessments, fines, penalties, payments, or any other expense owed to or collected by any County entity. "County expense" includes payment to a County entity of money confiscated during the commitment of an individual to a County jail, of bail, of money for an inmate account, and of money for goods and services obtained by or for the use of an individual incarcerated by the Sheriff.

C. "Financial Transaction Device", "Financial transaction device", or "financial transaction device" includes credit card, debit card, charge card, prepaid or stored value cards, automated clearinghouse network credit, debit, or e-check entry that includes, but is not limited to, accounts receivable and internet-initiated point of purchase, and telephone-initiated applications or any other device or method for making an electronic payment or transfer of funds.

D. "Financial Transaction Provider", "Financial transaction provider", or "financial transaction provider" includes a financial institution, issuer of financial transaction devices, or processor of financial transaction devices to accept, take, and/or process a financial transaction device.

E. "Associated fee" or "associated fee" includes, without limitation, any nonrefundable surcharge, nonrefundable convenience or other fee, or any other refundable or nonrefundable fee that is assessed by a County entity or a financial transaction provider in connection with the processing of a County expense by financial transaction device.

(Ordinance No. [O2014-0025](#), Enacted 8/26/2014, Effective 9/2/2014)

Section 718.02: Payment of Expenses by Financial Transaction Devices

A. County entities are authorized to accept and require payment for County expenses by financial transaction devices and may impose associated fees to be paid either directly to the County entity or the financial transaction provider. County entities shall, as practicable, coordinate their use of financial transaction devices with the Fiscal Officer to avoid duplication of services.

B. Every County entity accepting or otherwise mandating payment by a financial transaction device shall clearly post a schedule of its fees, including any associated fees, in the County entity's office and on its web site. If the associated fees are non-refundable, the posting shall include a notice that the associated fees are non-refundable. County entities need not provide additional notice to the County of their intent to accept or require payment by financial transaction devices.

(Ordinance No. [O2014-0025](#), Enacted 8/26/2014, Effective 9/2/2014)

Section 718.03: Dishonored or Returned Payments

A. In the event that a payment is made by a financial transaction device and the payment is returned or dishonored for any reason, the payer shall be liable to the County Entity for payment of a penalty in an amount necessary to reimburse the County entity for banking charges, legal fees, or other expenses incurred by the County entity in collecting the returned or dishonored payment.

B. No person making any payment by financial transaction device to a County entity shall be relieved from liability for the underlying obligation except to the extent that the County entity realizes final payment of the underlying obligation in cash or its equivalent. If final payment is not made by the financial transaction device issuer or other guarantor of payment in the transaction, the underlying obligation shall survive and the County entities shall retain all remedies for enforcement that would have applied if the transaction had not occurred.

C. The remedies and procedures provided in this section are in addition to any other available civil or criminal remedies provided by law.

(Ordinance No. [O2014-0025](#), Enacted 8/26/2014, Effective 9/2/2014)

Section 718.04: Contracts with Financial Transaction Providers

All contracts or agreements with financial transaction providers pursuant to this Chapter shall be reviewed and approved by the appropriate approval authority depending on the monetary threshold of each such contract or agreement in accordance with Chapter 501 of the Cuyahoga County Code. This section may not be interpreted to require additional approval of any existing contracts or agreements for the payment of County expenses by financial transaction devices, including any associated fees thereunder, which are hereby retroactively ratified.

(Ordinance No. [O2014-0025](#), Enacted 8/26/2014, Effective 9/2/2014)

Section 718.05: Immunity of County Officials and Employees

A County official or employee who accepts or otherwise mandates a financial transaction device payment in accordance with this Chapter, court order, or Ohio law shall be immune from personal liability and shall be entitled to defense by the Law Department.

(Ordinance No. [O2014-0025](#), Enacted 8/26/2014, Effective 9/2/2014)

Chapter 719: Payroll

Section 719.01: Salary and Benefits Reserve Fund

There is hereby established the Salary and Benefits Reserve Fund, in which resources shall accumulate for the payment of salaries and benefits during any calendar year in which the number of pay periods exceeds the usual and customary number of pay periods or any other purpose authorized by Council. The Fiscal Officer may, subject to appropriation by the Council, regularly transfer sufficient resources to the Salary and Benefits Reserve Fund to meet the anticipated needs of the County.

(Ordinance No. [O2015-0013](#), Enacted 10/28/2015, Effective 10/28/2015)

Section 719.02: Statutory Compensation

In a year in which the number of pay periods exceeds the usual and customary number of pay periods, all elected County officials who have an annual salary set by the Charter or statute shall be paid that annual salary for that year. All other County employees shall be paid their respective hourly wage rate and benefits for time worked during the additional pay period.

(Ordinance No. [O2015-0013](#), Enacted 10/28/2015, Effective 10/28/2015)

Section 719.03: Labor and Employment Compliance

Nothing in this Chapter shall affect a County employee's status under the Fair Labor Standards Act or any other law.

(Ordinance No. [O2015-0013](#), Enacted 10/28/2015, Effective 10/28/2015)

Chapter 720: County Motor Vehicle License Tax upon the operation of motor vehicles

Section 720.01 County Motor Vehicle License Tax upon the operation of motor vehicles pursuant to Section 4504.02 of the Ohio Revised Code

A. That for the purpose stated in Section 4504.02 of the Ohio Revised Code and pursuant to such section, there is hereby levied an annual County Motor Vehicle License Tax, in addition to the tax levied by Sections 4503.02, 4503.07 and 4503.18, of the Ohio Revised Code, upon the operation of motor vehicles on the public roads or highways. Such tax is levied beginning with the registration year commencing April 16, 1969, at the rate of \$5.00 per motor vehicle on all motor vehicles the district of registration of which, as defined in Section 4503.10 of the Ohio Revised Code, is located in Cuyahoga County and shall be in addition to the taxes at the rates specified in Sections 4503.04 and 4503.16 of the Ohio Revised Code, subject to quarterly reductions in the manner provided in Section 4503.13 of the Ohio Revised Code and the exemptions provided in Sections 4503.16, 4503.17, and 4503.171 of the Ohio Revised Code.

(Ordinance No. [O2017-0003](#), Enacted 11/24/2017, Effective 12/15/2017)

Section 720.02 Supplemental County Motor Vehicle License Tax upon the operation of motor vehicles pursuant to Sections 4504.15 and 4504.16 of the Ohio Revised Code

A. That a supplemental annual County Motor Vehicle License Tax is hereby levied pursuant to Sections 4504.15 and 4504.16 of the Ohio Revised Code; this tax is in addition to any tax levied pursuant to Sections 4503.02, 4503.07, and 4503.18 of the Ohio Revised Code; the tax shall be at the rate of \$10.00 per motor vehicle on all motor vehicles the district of registration of which is in Cuyahoga County, Ohio; the tax shall be in addition to the taxes at the rates specified in Sections 4503.04 and 4503.16 of the Ohio Revised Code, subject to reductions in the manner provided in Section 4503.11 of the Ohio Revised Code and the exemptions provided in Sections 4503.16, 4503.17,

4503.171, 4503.41 and 4503.43 of the Ohio Revised Code.

(Ordinance No. [O2017-0003](#), Enacted 11/24/2017, Effective 12/15/2017)

Section 720.03 Second Supplemental County Motor Vehicle License Tax upon the operation of motor vehicles pursuant to Section 4504.24 of the Ohio Revised Code

A. That a second supplemental annual County Motor Vehicle Tax is hereby levied pursuant to Section 4504.24 of the Ohio Revised Code; that this tax is in addition to any tax levied pursuant to Sections 4503.02 and 4503.07 of the Ohio Revised Code and any other tax levied under Chapter 4504; the tax shall be at the rate of \$5.00 per motor vehicle on all motor vehicles the district of registration of which is in the County; the tax shall be in addition to the taxes at the rates specified in Sections 4503.04 and 4503.042 of the Ohio Revised Code, subject to reductions in the manner provided in Section 4503.11 of the Ohio Revised Code and the exemptions provided in Sections 4503.16, 4503.17, 4503.172, 4503.173, 4503.18, 4503.41, 4503.43, 4503.46, and 4503.571 of the Ohio Revised Code.

(Ordinance No. [O2017-0003](#), Enacted 11/24/2017, Effective 12/15/2017)

Chapter 723: Bicycle and Scooter Share Fund

Section 723.01 Bicycle and Scooter Share Fund Established

1. There is hereby established the Bicycle and Scooter Share Fund. The Director of Sustainability shall be responsible for the administration of the Fund in accordance with the Contract and Purchasing Procedures as codified in Chapter 501 of this Code. The Bicycle and Scooter Share Fund may be used to pay costs of, or reimbursement for, the cost of administering Bicycle and Scooter Share licensing, for improvements to Cuyahoga County's bicycle and scooter share infrastructure, and to distribute the per trip fee with municipalities that enter an agreement pursuant to Chapter 1303.

(Ordinance No. [O2019-0004](#), Enacted 4/23/2019, Effective 4/26/2019)

Chapter 724: Bed Tax for the Convention Center

Section 724.01: Bed Tax Collection and Use

Pursuant to O.R.C. 5739.09(H) and effective January 1, 2020, the tax levied by Cuyahoga County shall increase one percent to a total of five percent on transactions by which lodging is or is to be furnished to transient guests by a hotel pursuant to O.R.C. 5739.09(A)(1) (“Bed Tax”), provided that all collections resulting from the tax levied hereby in excess of three percent, after deducting for the real and actual costs of administering the tax, shall be deposited in the County’s general fund and be used to pay the direct and indirect costs of constructing, improving, expanding, equipping, financing, or operating a convention center.

(Ordinance No. [O2019-0009](#), Enacted 8/6/2019, Effective 8/7/2019)

Section 724.02: Bed Tax for Capital Improvements Remains

The one and one-half percent Bed Tax for Capital Improvements as extended in Cuyahoga County Code Chapter 717 in 2014 shall be in addition to the five percent Bed Tax collected by Cuyahoga County as identified in Section 724.01 of this Code such that, effective January 1, 2020, the total excise tax levied by the County under Section 5739.09 of the Ohio Revised Code shall be six and one-half percent.

(Ordinance No. [O2019-0009](#), Enacted 8/6/2019, Effective 8/7/2019)

Section 724.03: Implementation

The County Executive or the County Executive's authorized designee(s) may amend or revise the bed tax regulations and take all actions, deposit and distribute the tax proceeds, and execute all documents, contracts, amendments and agreements on behalf of Cuyahoga County as necessary to consummate the transactions and carry out the terms and conditions set forth in this Chapter.

(Ordinance No. [O2019-0009](#), Enacted 8/6/2019, Effective 8/7/2019)

Chapter 725: Opioid Mitigation Fund

Section 725.01 Fund Established

The Fiscal Officer is hereby directed to immediately establish a separate fund, called the Opioid Mitigation Fund, for the purpose of collecting and expending any and all funds received by Cuyahoga County as part of any action related to the matter of In Re: National Prescription Opiate Litigation, United States District Court, Northern District of Ohio, Eastern Division, Case No. 1:2017-md-02804. All such monies received as the result of a settlement agreement, trial verdict, court order or some other action related to this lawsuit shall be automatically transferred from the General Fund to the Opioid Mitigation Fund. Any interest generated by the Opioid Mitigation Fund shall be transferred monthly to the Opioid Mitigation Fund.

(Ordinance Nos. [O2020-0005](#), Enacted 2/11/2020, Effective 2/21/2020; [O2019-0011](#), Enacted 11/26/2019, Effective 11/27/2019)

Section 725.02 Fund Uses

The funds in the Opioid Mitigation Fund shall be used solely for the remediation, mitigation, and rectification of the opioid epidemic in Cuyahoga County.

(Ordinance No. [O2019-0011](#), Enacted 11/26/2019, Effective 11/27/2019)

Chapter 726: Sports Facility Reserve Fund

Section 726.01 Fund Established

The Fiscal Officer is hereby directed to immediately establish a separate fund, in the General Fund, called the Sports Facility Reserve Fund, for collecting and expending funds for the purposes set forth herein.

(Ordinance No. [O2020-0017](#), Enacted 10/27/2020, Effective 10/27/2020)

Section 726.02 Fund Uses

The funds in the Sports Facility Reserve Fund shall, upon appropriation by Council, be used solely for improvements, renovation, repairs, maintenance, or construction, to or of, a Sports Facility in Cuyahoga County, or such other purposes as deemed by Council as necessary and appropriate. For the purposes of this Chapter, a “Sports Facility” is a facility in which a major league sports team plays its regular season home games.

(Ordinance No. [O2020-0017](#), Enacted 10/27/2020, Effective 10/27/2020)

Section 726.03 Funding

The Fiscal Officer shall deposit monies from the General Fund into the Sports Facility Reserve Fund no less frequently than biannually in an amount equal to 60% of the amount collected annually under Chapter 724 of this Code, net expenses associated with administering said collection.

(Ordinance No. [O2020-0017](#), Enacted 10/27/2020, Effective 10/27/2020)

Section 726.04 Reporting

On or before the 31st of January of each year following the effective date of this ordinance, the Fiscal Officer or the Fiscal Officer’s designee shall report to Council the balance in the Sports Facility Reserve Fund (“Fund”) as of December 31 of the previous year, an itemization of any expenditures from the Fund during the previous calendar year, and the amount transferred into the Fund in accordance with Section 726.03 of this Code during the previous calendar year.

(Ordinance No. [O2020-0017](#), Enacted 10/27/2020, Effective 10/27/2020)

Chapter 727: Sales and Use Tax

Section 727.01

Generally

Pursuant to ORC Sections 5739.021 and 5739.026 and for the purpose of providing for additional revenues for the County's general fund and paying the expenses of administering such levy, the rate of the tax, in addition to the tax imposed by ORC Section 5739.02, upon every retail sale, except sales of watercraft and outboard motors required to be titled pursuant to Chapter 1548 of the Revised Code and sales of motor vehicles, made in the County, is levied at the aggregate rate of one and one-fourth percent as follows:

- A. The aggregate one percent sales tax enacted on and prior to July 6, 1987 pursuant to ORC 5739.021 is levied for a continuing period of time.
- B. The one-fourth percent sales tax enacted on July 26, 2007 pursuant to ORC 5739.026 shall be levied for a period of sixty (60) years commencing on October 1, 2007.

(Ordinance No. [O2023-0012](#), Enacted 12/14/2023, Effective 1/13/2024)

Section 727.02 Use Tax on Motor Vehicles And Other Tangible Personal Property

Pursuant to ORC Sections 5741.021 and 5741.023, as same may be amended from time-to-time, and for the purpose of providing additional revenues for the County's general fund and paying the expenses of administering such levy, the rate of the use tax, in addition to the use tax imposed by ORC Section 5741.02, as same may be amended from time-to-time, is levied at the rate of one and one-fourth percent as follows:

- A. The aggregate one percent use tax enacted in and prior to 1987 pursuant to ORC Section 5741.0213 is levied for a continuing period of time.
- B. The one-fourth percent use tax enacted on July 26, 2007 pursuant to ORC Section 5741.023 shall be levied for a period of sixty (60) years commencing October 1, 2007.

(Ordinance No. [O2023-0013](#), Enacted 12/14/2023, Effective 1/13/2024)

Title 8: Economic Development and Regional Collaboration

- [Chapter 801: Economic Development Plan](#)
- [Chapter 802: Economic Development Fund](#)
- [Chapter 804: Educational Assistance Programs](#)
- [Chapter 806: Public Works Programs](#)
- [Chapter 807: Property Demolition Program](#)
- [Chapter 808: Cuyahoga County Green Community Program](#)
- [Chapter 809: Cuyahoga County Housing Program](#)

Chapter 801: Economic Development Plan

Section 801.01 Adoption of Five-Year Economic Development Plans.

The County Council's annual exercise of its approval rights over the County's five-year economic development plans under Section 7.05 of the Cuyahoga County Charter shall be accomplished by Resolution.

(Ordinance Nos. [O2013-0013](#), Enacted 6/25/2013, Effective 7/2/2013; [O2012-0018](#), Enacted 7/24/2012, Effective 7/26/2012; [O2011-0026](#), Enacted 7/26/2011, Effective 7/29/2011)

Section 801.02 Publication of Economic Development Plan.

The Clerk of Council shall annually publish the five-year economic development plan adopted by County Council pursuant to Section 7.05 of the Cuyahoga County Charter on the County Council's website.

(Ordinance Nos. [O2013-0013](#), Enacted 6/25/2013, Effective 7/2/2013; [O2012-0018](#), Enacted 7/24/2012, Effective 7/26/2012; [O2011-0026](#), Enacted 7/26/2011, Effective 7/29/2011)

Chapter 802: Economic Development Fund

Section 802.01

There is hereby created the Cuyahoga County Economic Development Fund, which shall be administered by the County Executive through the Department of Development.

(Ordinance No. [O2011-0049](#), Enacted 1/24/2012, Effective 1/29/2012)

Section 802.02

Council hereby approves and adopts the County Executive's plan for the administration of the Economic Development Fund attached hereto as Exhibit A.

(Clerk's Note: A true copy of Exhibit A is attached to Ordinance No. O2011-0049 below)

(Ordinance No. [O2011-0049](#), Enacted 1/24/2012, Effective 1/29/2012)

Section 802.03

The Economic Development Fund shall undertake and administer the following three priorities with the listed programs:

- A. Innovation Development
 - 1. Micro Enterprise
 - 2. Pre-Seed Funding
 - 3. Next Stage Funding
 - 4. Innovation Match

- B. Commercial Property Reutilization
 - 1. Redevelopment and Modernization
 - 2. Site Expansion
 - 3. Redevelopment Ready

- C. Business Growth, Commercialization and Attraction
 - 1. Small Business Growth
 - 2. Incumbent Worker Training
 - 3. Accelerated Growth
 - 4. Large Scale Attraction

(Ordinance No. [O2011-0049](#), Enacted 1/24/2012, Effective 1/29/2012)

Section 802.04

The Department of Development, Cuyahoga County Community Investment Corporation or the appropriate approving authority shall have the ability to modify parameters or terms for any individual transaction in the \$100 Million Economic Development Fund including but not limited to loan amount, interest rate and time period. Any changes to the parameters or terms shall be provided to the appropriate approving body as part of the review of documents.

(Ordinance No. [O2011-0049](#), Enacted 1/24/2012, Effective 1/29/2012)

Section 802.05

The Department of Development shall make a report to the County Council detailing the operations, performance measures and changes to the Fund annually in concert with updates to the County's Five Year Economic Development Plan as required by the County Charter.

(Ordinance No. [O2011-0049](#), Enacted 1/24/2012, Effective 1/29/2012)

Chapter 804: Educational Assistance Programs

Section 804.01: Post Secondary Educational Programs

A. The Cuyahoga County Educational Assistance Program is hereby established to promote access to postsecondary education, including vocational, job training and retraining opportunities, in order to increase the number of skilled workers in Cuyahoga County's workforce, encourage completion of college degrees and program certification among Cuyahoga County residents, and enhance economic development opportunities for the region.

B. Component One-Job Training/Retraining Program

1. Component One of the Cuyahoga County Educational Assistance Program provides financial assistance for Cuyahoga County residents seeking a postsecondary degree and/or program certification that will lead to gainful employment or career advancement.
2. Component One scholarships are open to all Cuyahoga County residents who satisfy one of the following criteria:
 - a. They enroll in a degree or certification program in a field designated as "in demand" by the City of Cleveland/Cuyahoga County Workforce Investment Board; or
 - b. They enroll in a degree or certification program in a non-demand field that has a commitment from an employer to hire or promote; or
 - c. They are within twelve (12) credit hours from completing an associate, bachelor, or master degree in any field at an approved postsecondary institution; or
 - d. They enroll in a class to satisfy continuing educational credit obligations associated with professional licensing.
3. Individual scholarships will be awarded up to a maximum of \$5,000.00
4. The County Council shall annually designate an amount of the budgeted funds for Component One.
5. Public and private postsecondary educational program providers are eligible to participate in Component One who satisfy both of the following criteria:
 - a. They are approved by Employment Connection; and
 - b. They are either accredited by the North Central Association of Colleges and Schools (the Higher Learning Commission), or registered with the Ohio State Board of Career College and Schools.
6. The Program will be administered by Employment Connection, a collaborative workforce system of the City of Cleveland and Cuyahoga County. They County

shall determine annually the administrative fee for program administration. The program administrator has the following responsibilities:

- a. Provide a policies and procedures manual to the County Council prior to implementation of Component One; and notify the Council of all changes, additions or deletions from the manual; and
 - b. Create an application and other relevant materials for review by the County Council prior to implementation of Component One; and
 - c. Accept, review and make recommendations for approval of scholarships; and
 - d. Monitor the performance of the educational program providers on an on-going basis, considering, among other factors, training program completion rate and training-related job placements or advancements; and
 - e. Provide quarterly updates to the County Council to include 1) the number and monetary amount of scholarships awarded; 2) the geographic distribution of the awardees; 3) the distribution of income levels of the awardees; 4) the fields, degrees or certifications being pursued by the awardees; 5) the number of new job placements or career advancements among awardees during the time period; 6) a listing of participating employers; and 7) any problems, or significant accomplishments of which the Council should be aware.
7. Restrictions. The following restrictions apply to Component One of the Program:
- a. When applicable, students must complete the Free Application for Federal Student Aid (FAFSA). He/she must demonstrate unmet financial need after all federal, state, institutional or other grant and scholarship aid has been applied to the cost of attendance. County dollars will be awarded as "last dollars in" to reduce remaining unmet financial need.
 - b. Scholarship awardees must complete their program, degree or certification within 18 months of receiving an award from Component One.
 - c. The Program administrator may give priority to awarding scholarships based on financial need according to its established criteria.
 - d. The Program administrator reserves the right to recoup funds from an awardee who fails to complete his/her intended program, degree or certification within the required time period.

C. Component Two – Post-Secondary College or University Scholarship Program

1. Component Two of the Cuyahoga County Educational Assistance Program provides financial assistance for Cuyahoga County residents seeking a postsecondary college or university degree at institutions located within the State of Ohio.
2. Individual one (1) year renewable scholarships will be awarded up to an initial maximum of \$1,750.00. If allocated and awarded funds are unexpended due to the ineligibility of a scholarship recipient, the administrator of the Program may use such funds to supplement the next amount of budgeted funds annually designated by County Council for Component Two.
3. The County Council shall annually designate an amount of the budgeted funds for Component Two.

4. Initial Eligibility. Cuyahoga County residents who satisfy all of the following criteria are eligible for Component One scholarships:
 - a. They are a graduating high school senior attending one of the high schools served by College Now; and
 - b. They have not otherwise been awarded College Now funding; and
 - c. They complete the College Now scholarship application; and
 - d. They plan to attend a two or four-year college or university; and
 - e. They have a GPA of at least 2.5; and
 - f. They achieve either a score of 18 or higher on the ACT, or a score of 860 or higher on the critical reading and math test of the SAT; and
 - g. They meet College Now's income criteria (Pell eligibility).
5. Eligibility for Scholarship Renewal. The Program administrator shall determine when scholarships are eligible for renewal.
6. The Program will be administered by College Now Greater Cleveland, a nonprofit organization providing comprehensive college-access services. The County shall determine annually the administrative fee for program administration. The Program administrator has all of the following responsibilities:
 - a. Select scholarship recipients based on the criteria provided in this section; and
 - b. Verify continuing eligibility as scholarship recipients progress through their degree program; and
 - c. Administer all award payments with postsecondary education institutions; and
 - d. Provide all retention services, including mentoring, for all scholarship recipients; and
 - e. Report to the Cuyahoga County Council on an annual basis on 1) the number and monetary amount of scholarships awarded, 2) the geographic distribution of the awardees (city of residence and high school attended), 3) a list of postsecondary institutions attended by the scholarship recipients, 4) retention and graduation rates of scholarship recipients, and 5) any highlights or problems of which the Council should be aware.

D. The Cuyahoga County Council hereby authorizes an alternative procurement process for components of the Cuyahoga County Educational Assistance Program.

(Ordinance Nos. [O2019-0006](#), Enacted 4/23/2019, Effective 4/26/2019; [O2018-0006](#), Enacted 5/29/2018, Effective 5/31/2018; [O2014-0007](#), Enacted 4/22/2014, Effective 4/23/2014; [O2013-0011](#), Enacted 6/11/2013, Effective 6/13/2013; [O2012-0007](#), Enacted 7/10/2012, Effective 7/12/2012)

Section 804.02 Repealed as of 12/31/2016 by Ordinance No. [O2015-0008](#)

(Ordinance Nos. [O2015-0008](#), Enacted 6/9/2015, Effective 6/10/2015; [O2012-0036](#), Enacted 4/23/2013, Effective 4/25/2013)

Chapter 806: Public Works Programs

Section 806.01: Cuyahoga Countywide Inspection Program

A. There is hereby established the Cuyahoga Countywide Inspection Program to provide inspection services relating to bridges, culverts, and other structures. The Department of Public Works shall administer the program.

B. The services provided under the Cuyahoga Countywide Inspection Program shall include, but not necessarily be limited to, the following tasks: site visit; field inspection; review of existing plans and reports; inventory setup and control; development of preliminary sketches and details; recommendations for repairs and preventive maintenance; traffic control; and preparation of reports. Participating municipalities shall reimburse the County for all the services provided under the Countywide Inspection Program.

C. All contracts and agreements under the Cuyahoga Countywide Inspection Program shall be reviewed and approved by the appropriate approval authority depending on the monetary threshold of each such contract or agreement in accordance with Chapter 501 of the Cuyahoga County Code.

(Ordinance No. [O2013-0007](#), Enacted 3/12/2013, Effective 3/18/2013)

Section 806.02 Cuyahoga Countywide Preventative Maintenance Program

A. There is hereby established the Cuyahoga Countywide Preventive Maintenance Program to provide preventive maintenance services relating to roadways with the participating municipalities. The Department of Public Works shall administer the program.

B. The services provided under the Cuyahoga Countywide Preventive Maintenance Program may include, but are not necessarily limited to, the following tasks: sidewalk repairs, curb ramp repairs, rebuilding of catch basins/manholes, pavement striping, crack sealing and street sweeping. Participating municipalities shall reimburse the County for all the services provided under the Countywide Preventive Maintenance Program.

C. All contracts and agreements under the Cuyahoga Countywide Preventive Maintenance Program shall be reviewed and approved by the appropriate approval authority depending on the monetary threshold of each such contract or agreement in accordance with Chapter 501 of the Cuyahoga County Code.

(Ordinance No. [O2013-0009](#), Enacted 3/27/2013, Effective 3/29/2013)

Section 806.03 Cuyahoga County Public Works Shared Services Program

A. There is hereby created a Cuyahoga County Public Works Shared Services Program for the purpose of sharing public works equipment, resources and personnel with political subdivisions for regular and emergency use. The Department of Public Works shall administer the program.

B. Participating political subdivisions shall reimburse the County for all the equipment, resources and personnel provided under the Cuyahoga County Shared Services Program.

C. All contracts and agreements under the Cuyahoga County Public Works Shared Services Program shall be reviewed and approved by the appropriate approval authority depending on the monetary threshold of each such contract or agreement in accordance with Chapter 501 of the Cuyahoga County Code.

(Ordinance No. [O2015-0018](#), Enacted 8/9/2016, Effective 8/11/2016)

Section 806.04 Cuyahoga County Energy Participation Program

A. Definitions:

“CCAO” means the County Commissioners Association of Ohio, whose mission is to advance effective county government and to offer member counties several enterprise services that offer superior services and save funds.

“CCAOSC” means the CCAO Service Corporation, an affiliate of CCAO.

“Energy Purchase Agreements” means the natural gas purchase agreement, electricity purchase agreement, electric aggregation purchase agreement, natural gas aggregation purchase agreement, solar power purchase agreement between the County and Supplier.

“Manager” means CCAOSC Energy Solutions, a subsidiary of Palmer Energy Company, Toledo, Ohio.

“Supplier” means any person, corporation, partnership or other organization with whom CCAOSC (or its designee) may contract for the purchase of energy supplies. The definition is limited to the purposes of this Section.

“Program” means the Cuyahoga County Energy Participation Program which consists of five components: natural gas purchasing program, electricity purchasing program, electric aggregation program, natural gas aggregation program, and a solar purchasing program.

B. There is hereby created the Cuyahoga County Energy Participation Program for the purpose of participating in one or more Energy Purchase Agreements managed by CCAO, through its affiliate CCAOSC, managed by CCAOSC Energy Solutions, a subsidiary of Palmer Energy Company, for the acquisition of natural gas, electricity and solar energy at competitive market rates. The Department of Public Works shall administer the Program on behalf of the County.

C. Prior to the County entering into any Energy Purchase Agreement with a Supplier, CCAOSC or the Manager shall conduct a publicly solicited request for proposals from Suppliers and shall make the request for proposals and any responses to such request available to Cuyahoga County.

D. The Director of Public Works shall have the authority to review the competitive proposals submitted by all Suppliers, approve the Supplier with the highest scoring proposal, and make recommendations to the Manager to enter into an Energy Purchase Agreement defined in the Program. The Director of Public Works shall provide to Council Committee for Public Works, Procurement and Contracting a copy of such recommendations prior to submission to the Manager. Upon written recommendation from the Director of Public Works, the Manager is hereby authorized to execute such Energy Purchase Agreements on behalf of the County take any and all actions necessary to implement and administer the Program, and execute all relevant documents to implement the Program.

E. All electric purchase agreements executed under the Program shall endeavor to include 100% renewable energy in order to promote the County’s climate change action plan.

F. To efficiently and timely realize significant cost savings in a volatile commodities market, all Energy Purchase Agreements under the Program, regardless of the monetary threshold of each agreement, shall be exempt from all approval requirements by County Council and Board of Control described in Section 501.04 of the Cuyahoga County Code.

G. The Director of Public Works shall present to Council Committee for Public Works, Procurement and Contracting all Energy Purchase Agreements executed under the Program no later than 60 days from the effective date of such agreements.

H. This Program shall end after a term of five (5) years from the date of the adoption of this Ordinance.

(Ordinance No. [O2019-0010](#), Enacted 8/6/2019, Effective 8/7/2019)

Chapter 807: Property Demolition Program

Section 807.01 Definitions

For the purposes of this Chapter, the following definitions shall apply:

A. “Applicant” shall mean a municipal corporation or township located within Cuyahoga County. Applicants may apply to the property demolition program directly or via an authorized agent.

B. “Property Demolition Fund” shall mean the fund established by the County under Section 807.02.

C. “Property Demolition Program” shall mean the program established pursuant to Section 807.03 to demolish vacant, abandoned, and nuisance or blighted structures in Cuyahoga County.

D. “Land Bank” shall mean the Cuyahoga County Land Reutilization Corporation, a nonprofit community improvement corporation duly organized pursuant to Chapter 1724 of the Ohio Revised Code.

E. “Round” shall mean each application round of the property demolition program administered by the Department of Development.

(Ordinance No. [O2014-0014](#), Enacted 10/28/2014, Effective 11/6/2014)

Section 807.02 Property Demolition Fund

A. For the preservation of public peace, health, safety, and welfare in the County, there is hereby created the Cuyahoga County Property Demolition Fund pursuant to the County’s police powers to abate nuisance and blighted properties, which shall fund demolition programs to be administered by the County Executive through the Department of Development.

B. The property demolition fund may be used county-wide for demolition projects with end users both known and unknown, and post-demolition dispositions ranging from buy-and-maintain strategies to site assembly for strategic development and construction.

C. No portion of the property demolition fund or of any grant, loan, or other allocation from such fund shall be used to pay the costs of applying for a grant or loan for, or administration of, a demolition project; provided however that an applicant may use

not more than two percent (2%) of any grant or loan awarded pursuant to Section 807.03 to engage the Land Bank to act as the applicant's agent in administering approved demolition projects.

D. The County shall make three one-time allocations of up to \$3,000,000 each to the Land Bank from the property demolition fund for demolition projects of vacant, abandoned, and nuisance or blighted properties owned by the Land Bank. Such allocations shall be made to the Land Bank without the need to submit an application as described in Section 807.03 below. Individual demolition projects effectuated pursuant to this paragraph shall be subject to the approval of the Director of Development. Each allocation shall be made once per year commencing in 2015. Allocated funds shall be subject to the use restrictions provided in this Section, including but not limited to, the prohibition on use of funds for administrative costs.

(Ordinance No. [O2014-0014](#), Enacted 10/28/2014, Effective 11/6/2014)

Section 807.03 Property Demolition Program A.

The Department of Development shall establish and administer a non-competitive, multiple-round application program for the purpose of issuing grants and loans payable from the property demolition fund to demolish vacant, abandoned, and nuisance or blighted structures within Cuyahoga County.

B. The Department of Development, in consultation with the Land Bank, shall establish eligibility criteria to evaluate applications received in each round of the program. The eligibility criteria shall be established to evaluate the following factors, exclusively:

1. Whether the applicant has sufficiently identified a target area, neighborhood typological priorities, or spot demolition site(s) containing a demonstrable need for demolition;
2. Whether the structures identified by the applicant for demolition have been certified as vacant, abandoned, and nuisance or blighted;
3. Whether the applicant has identified a plan for redevelopment or maintenance of the property or properties;
4. Whether the applicant has sufficient capacity to administer the demolition, or intends to engage an agent such as the Land Bank to administer demolition on its behalf;
5. Whether the applicant has committed and is able to exercise the necessary police powers or has identified alternative legal authority to enable demolition of the identified structure or structures; and
6. Whether the actions proposed in the application are designed to assist in carrying out a plan developed by the applicant to improve housing quality or strengthen the housing market in the applicant's municipality.

The Department of Development may, in consultation with the Land Bank, revise the evaluation criteria following each round of the program; provided, however that the revised criteria shall continue to meet the requirements of this Section.

C. Each applicant may qualify to receive a grant or loan under the property demolition program upon submitting an application that meets the criteria of such program. Each applicant may apply for a grant, a loan, or a combination thereof. The determination of the Department of Development as to whether an application meets the criteria shall be final. No individual grant or loan shall exceed \$1,000,000.00 in the first application round. The Department of Development may increase or decrease the maximum award amount in subsequent rounds; provided however that no individual grant or loan shall exceed \$2,000,000.00 in any round. Not more than \$100,000.00 shall be awarded for the demolition of any individual structure.

D. Each grant or loan made pursuant to this Section shall be subject to a grant or loan agreement, which shall include the following commitments:

1. A commitment from the applicant to take all legal actions necessary to enable demolition of the approved structures, including use of police power for condemnation;
2. A commitment from the applicant to abide by minimum demolition and property maintenance standards established by the Department of Development;
3. A commitment from the applicant to place a lien on all blighted or nuisance-abated properties on which demolition will occur, except for those properties owned by the Land Bank or the applicant;
4. A commitment from the applicant to competitively bid all demolition contracts funded in whole or in part by the property demolition program;
5. A commitment that the applicant (a) will take or cause to be taken such actions that may be required of it for the interest on the bonds to be and remain excluded from gross income for federal income tax purposes, and (b) will not take or authorize to be taken any actions that would adversely affect that exclusion.

E. An applicant that has received an award under the property demolition program must have satisfactorily fulfilled its obligations under its ongoing grant or loan agreements in order to be eligible to receive a grant or loan in a subsequent round, including having taken all legal actions necessary to enable demolition of not less than eighty percent (80%) of the structures previously approved for demolition.

F. All contracts and agreements awarded pursuant to this Section shall be reviewed and approved by the Board of Control unless otherwise referred or transferred to Council for approval in accordance with Chapter 501 of the Cuyahoga County Code.

G. The County Executive or his authorized designee may take all actions and execute all documents, contracts, amendments, and agreements between Cuyahoga County and the Land Bank as may be necessary to carry out the duties set forth in this Chapter.

H. Any applicant receiving a loan pursuant to this Section shall commit to reimburse the

County for the principal amount of the loan, and shall not be required to pay interest. Each applicant, upon fully retiring the principal amount of a loan, shall be eligible to receive a grant equal to 50% of the principal amount of the applicant's original loan. Such grants shall be awarded according to the procedures and subject to the conditions provided in this Section.

I. A revolving loan fund will be created to receive any principle loan repayments referred to in Section H. The source of the grant referred to in Section H will be paid from the revolving loan fund referred to herein.

(Ordinance No. [O2014-0014](#), Enacted 10/28/2014, Effective 11/6/2014)

Section 807.04 Reporting Requirements

A. The Department of Development shall create and maintain an up-to-date listing of information about all projects proposed for demolition under the property demolition program, including the following:

1. A list of all parcels and structures requested for demolition through applications and as approved pursuant to Section 807.02(D);
2. A list of all parcels and structures approved for demolition by the County;
3. The demolition status of individual properties slated for demolition using the property demolition fund;
4. The progress of applicants' demolition activity for each awarded program grant and loan; and
5. A list of the status of liens related to the nuisance-abated properties.

B. The Department of Development shall issue a report to Council following each round of applications, not less frequently than once per year, which shall include the listing specified in paragraph (A), a list of all applicants in each round, a list of properties approved for demolition in each round, a list of properties demolished in each round, the grant and loan amounts awarded to each applicant in each round, a notification of revisions to the eligibility criteria established pursuant to Section 807.03(B), and any other information as may be requested by members of Council.

C. The Land Bank shall bi-annually prepare and issue a report to Council and the Director of Development, which shall include a list of all demolitions of structures owned by the Land Bank which are funded, in whole or in part, by the property demolition fund. The Land Bank shall further provide any information as may be requested by members of Council or the Director of Development.

(Ordinance No. [O2014-0014](#), Enacted 10/28/2014, Effective 11/6/2014)

Chapter 808: Cuyahoga County Green Community Program

Section 808.01

The County hereby establishes the Cuyahoga County Green Community Program as a Green Community Program within the meaning of Section 54D of the Internal Revenue Code of 1986, as amended. Projects and programs included within the Cuyahoga County Green Community Program shall include, but not be limited to, the projects and programs described below.

A. Energy Efficiency and Alternative Energy Improvements to Buildings, Structures, and Facilities

1. Acquisition, construction, equipment, improvement, installation and financing of energy efficiency improvements, including, without limitation, improvements to the mechanical systems of buildings, structures, and facilities; installation or improvement of HVAC systems, air handlers, chillers, boilers, and high efficiency accessory systems; installation or improvement of compressors, refrigeration systems, waste energy recovery systems, and improved electrical distribution systems; installation or improvement of heat transfer technologies, insulation, windows, reflective roofing; installation or improvement of energy efficient roofing; installation or improvement of lighting and lighting controls; which improvements are made with respect to buildings, structures, facilities, or real property owned by any public or private parties located within the County, including the County, other local governments and political subdivisions of the State, private persons, any property owners within the County, and any public or private parties in cooperation with any of the foregoing.
2. Acquisition, construction, equipment, improvement, installation and financing of alternative energy technologies, including special energy improvement projects identified under Revised Code 1701.01(I) and renewable energy technologies identified under Revised Code 4928.01(A)(35), which technologies include, without limitation, solar photovoltaic, solar thermal, wind, geothermal, hydropower, solid waste to energy technologies, biomass, gasification, fuel cells, off peak storage facilities, and distributed generation facilities utilizing renewables, which improvements are made with respect to buildings, structures, facilities, or real property owned by any public or private parties located within the County, including the County, other local governments and political subdivisions of the State, private persons, any property owners within the County, and any public or private parties in cooperation with any of the foregoing.

B. Financing Energy Efficiency and Alternative Energy Improvements

1. Financing loans for owners of residential, commercial, industrial, tax-exempt, and governmental properties in the jurisdiction of the County for energy efficiency and alternative energy improvements with (A) the proceeds of County obligations issued for such purposes under Ohio Revised Chapter 165 or otherwise, or (B) the proceeds of obligations of other political subdivisions of the State operating in cooperation with the County.
2. Financing energy efficiency and alternative energy projects through energy special improvement districts by which property owners are able to pay for the costs of the improvements by an assessment on their property tax bill.

C. County Energy Accountability Programs

1. Installation and use of real-time energy tracking systems to monitor and reduce electrical demand, including, without limitation, installation of web-based energy sub-metering system integrated into the control systems of buildings, structures, facilities, or real property owned by any public or private parties located within the County, including the County, other local governments and political subdivisions of the State, private persons, any property owners within the County, and any public or private parties in cooperation with any of the foregoing.
2. Implementation and operation of increased energy accountability programs, including, without limitation, creation of public websites showing total energy use and alternative energy use by the County, other local governments and political subdivisions of the State, private persons, any property owners within the County, and any public or private parties in cooperation with any of the foregoing.
3. Implementation and operation of energy auditing programs and partnerships with utilities, including investor-owned utilities, for such programs with respect to buildings, structures, facilities, or real property owned by private parties, and implementation and operation of rebate programs that lower the cost to private property owners of energy efficiency and alternative energy technologies.

D. Land Use Programs

1. Implementation and operation of programs to remediate, redevelop, and reuse industrial, commercial and manufacturing brownfield properties by using energy efficiency, renewable, and alternative energy improvements in connection with those properties.
2. Acquisition, construction, equipment, improvement, installation, financing and use of farming practices that reduce the use of fossil fuels for crop production and improve soil and water conservation.
3. Acquisition, construction, equipment, improvement, installation, financing and use of bio-fuel technologies including, without limitation, planting of crops to be used in bio-fuel production.
4. Acquisition, construction, equipment, improvement, installation, financing and use of biomass energy production programs and projects.

(Ordinance No. [O2016-0009](#), Enacted 3/22/2016, Effective 3/23/2016)

Section 808.02

The projects and programs listed in Section 808.01 are not intended to represent an exhaustive description of the potential projects and programs to be included in the Cuyahoga County Green Community Program. Additional projects and programs may be added to the Cuyahoga County Green Community Program by future Resolution or Ordinance of Cuyahoga County Council as such projects and programs are developed.

(Ordinance No. [O2016-0009](#), Enacted 3/22/2016, Effective 3/23/2016)

Chapter 809: Cuyahoga County Housing Program

Section 809.01 Definitions

A. For the purposes of this Chapter, the following definitions apply:

“Affordable neighborhood” means a census tract where the median single-family home value is at or below 100% of the countywide median home value.

“Department” means the Department of Development, Division of Community Development.

“High market neighborhood” means a census tract where the median single-family home values is in excess of 175% of the countywide median home value.

“Land Bank” means the Cuyahoga County Land Reutilization Corporation, a nonprofit community improvement corporation duly organized pursuant to Chapter 1724 of the Ohio Revised Code.

“Median home value” means the respective median residential property value as certified in the 2018 sexennial reappraisal, as may be revised in the 2021 triennial update.

“Middle market neighborhood” means a census tract where the median single-family home value is above 100% and at or below 175% of the countywide median home value.

“Neighborhood” means an affordable neighborhood, middle market neighborhood, and/or a high market neighborhood.

“Owner-occupant” means a resident of Cuyahoga County who owns or will own the home which they identify as his or her principal place of residence.

“Program” means the Cuyahoga County Housing Program.

“Small dollar mortgage” means a mortgage with a principal amount of \$70,000.00 or less.

(Ordinance No. [O2019-0001](#), Enacted 2/26/2019, Effective 3/31/2019)

Section 809.02 Program Establishment and Scope

A. The Cuyahoga County Housing Program is hereby established to bolster ongoing, community-wide efforts to stabilize and strengthen the County’s housing market, reduce housing insecurity, eliminate vacant and blighted residential structures, accelerate new construction and renovation of existing housing, improve access to capital and affordable housing, and help county residents maintain their homes in good repair and avoid foreclosure. The County seeks to augment existing efforts to address the six primary objectives identified in the 2017 Cuyahoga County Housing Plan authored by the Department of Development, which are:

1. Access to capital
2. Tax collection and delinquency
3. Housing insecurity
4. Special populations
5. Fair housing
6. Confidence in the housing market

B. Components. The Program shall consist of three components:

1. **Home Renovation.** The Home Renovation component prioritizes properties in emerging markets acquired by the Land Bank through tax foreclosure, direct transfer from the County’s forfeiture list, private market acquisition, and governmental/quasi-governmental or charitable sources. The Land Bank shall engage in renovation activities in neighborhoods to stimulate private market activities and maximize the availability of high quality housing.
 - a. In-house rehabilitation. The Land Bank shall identify and select properties with structures thereon in its inventory, or which can be readily acquired for “in-house” renovation and subsequent sale.
 - b. Short-term investor rehab. The Land Bank shall identify properties suitable for renovation, develop a written scope of renovations, and then post the property for sale. Pre-screened, interested buyers that demonstrate their capacity to

complete the scope of renovation may purchase the property on a negotiated basis with the Land Bank. The Land Bank may hold the deed in escrow until the buyer has satisfactorily pulled necessary permits and completed the renovation.

2. **Home Owner Assistance.** The Home Owner Assistance component provides financial and technical assistance to current and prospective home-owners and tenants seeking to acquire or maintain affordable housing consistent with local building and zoning laws.
 - a. Home repair assistance. The Department of Development shall provide home repair assistance to home-owners in the form of loans, grants, and/or technical assistance.
 - b. Small-dollar mortgage assistance for prospective owner-occupants. The Department of Development shall provide small-dollar mortgage assistance to prospective owner-occupants. Mortgage assistance may include loan origination, loan servicing, loan bundling, and/or the creation of a loan loss reserve.
3. **Housing Market.** The Housing Market component includes strategic activities specifically intended to spur private market investment in emerging and future markets.
 - a. Emerging markets. The Land Bank shall identify prospective affordable and middle market neighborhoods where the lack of reliable real estate comparables has resulted in a cycle of structural disinvestment. The Land Bank shall engage in strategic investment in these neighborhoods in cooperation with lending institutions to establish benchmark appraisals to maximize private investment capacity in under-capitalized neighborhoods.
 - b. New infill construction. The Land Bank shall identify and market houses and vacant lots in neighborhoods as potential sites for new construction. The Land Bank shall procure a building contract with one or more developers with a proven record of successfully completing high quality infill construction projects. To the extent practical, the Land Bank shall secure commitments from prospective owner-occupants prior to commencing construction.
 - c. Future markets. The Land Bank shall undertake strategic planning activities in markets where long-term disinvestment has occurred and private market actors have been unwilling to reinvest. Such activities may include commissioning feasibility studies, concept development, or strategic land assembly. The Land Bank shall undertake such activities in coordination with the Department of Development, municipalities, community development corporations, and/or other community partners.
 - d. Strategic demolition. Beginning in calendar year 2021, the Land Bank may conduct strategic demolitions of residential structures with no more than four units to support Emerging Market and Future Market activities.

(Ordinance No. [O2019-0001](#), Enacted 2/26/2019, Effective 3/31/2019)

Section 809.03 Program Administration

A. The Program shall be jointly administered by the Land Bank and the Department of Development, Division of Community Development. The Land Bank shall act as fiscal

agent for the entire program and shall design and administer the Home Renovation and Housing Market components consistent with this Chapter. The Department shall design and promulgate rules for the Home Owner Assistance component consistent with this Chapter, including the establishment of eligibility criteria such as income requirements, property values, and/or any other factors the Department considers relevant. The Department shall also participate in the competitive selection, monitoring, and oversight of third-party service providers for the Home Owner Assistance Component. The Land Bank shall publish rules for all Program components on its website.

B. Ninety percent of the funding allocated to the Home Renovation and Housing Market components shall be invested in either affordable or middle market neighborhoods. The Program is intended to strategically allocate resources to positively impact housing metrics identified in Section 809.04. Program investment in high market neighborhoods shall be aimed at maximizing revenue for reinvestment in the Program in accordance with Section 809.05(B).

C. To the extent practical, the County and the Land Bank shall leverage additional funding or in-kind contributions from public and private sources to supplement Program activities, including but not limited to, financial institutions, real estate developers, municipalities, townships, community development corporations, and other charitable corporations.

D. Nothing in this Chapter shall serve to limit or abrogate any of the powers, authorities and activities of the Land Bank authorized in R.C. 1724.01 et seq. in administering non-Program activities or funding.

E. The Land Bank shall obtain all permits and approvals as required by law in conducting Program activities. Additionally, the Land Bank shall not engage in Program activities on a particular parcel if the municipality or township in which the parcel lies expresses its opposition to such activities in writing to the Land Bank.

(Ordinance No. [O2019-0001](#), Enacted 2/26/2019, Effective 3/31/2019)

Section 809.04 Outcomes and Reporting

A. The Land Bank shall prepare and submit to Council a semiannual report concerning Home Renovation and Housing Market component activities, including statistical information regarding the Land Bank's acquisition and disposition of properties throughout the county, a program budget, contracting data including the use of minority-owned and women-owned business enterprises, and any other relevant information requested by Council.

B. The Department shall prepare and submit to Council a semiannual report concerning the Home Owner Assistance component activities, including statistical information regarding the number and demographic information of residents served by the program, and any other relevant information requested by Council.

C. The Department and Land Bank shall prepare and submit to Council a joint annual report tracking programmatic and countywide housing data, including:

1. Foreclosure rate/tax delinquency, countywide and by census tract
2. Vacancy rates, countywide and by census tract
3. Home values, countywide and by census tract
4. Private investment activities, countywide and by census tract
5. Default rate of program participants

D. The first semiannual report required by this Section shall be presented to Council no later than July 31, 2020. The first annual report required by this Section shall be presented to Council no later than January 31, 2021.

(Ordinance No. [O2019-0001](#), Enacted 2/26/2019, Effective 3/31/2019)

Section 809.05 Program Funding

A. The County and Land Bank shall commit \$5,000,000 per annum to support Program activities. The Program shall be supported by a combination of funding sources, including:

1. A combination of the Land Bank's existing reserves and the "Additional DTAC Fee" designated to the Land Bank pursuant to Section 704.01 of this Code, in the following amounts:
 - a. \$2,500,000 in the year 2020;
 - b. \$3,500,000 in the years 2021 and 2022; and
 - c. \$4,000,000 in the years 2023, 2024, and 2025.
2. The "Community Development Fund" established pursuant to Chapter 709 of the Cuyahoga County Code in the following amounts:
 - a. \$2,500,000 in the year 2020;
 - b. \$1,500,000 in the year 2021;
 - c. \$1,500,000 in the year 2022; and
 - d. \$1,000,000 in the years 2023, 2024, and 2025.

B. Due to the unpredictable nature of the housing market, the Land Bank shall retain flexibility to allocate Program resources to have the greatest impact in addressing housing market needs and propelling private development, while minimizing activities that would supplant needs already served by the private sector; provided however that not less than \$1,000,000 per annum shall be made available to support the Home Owner Assistance component of the Program. Any profits derived from Program activities, including loan repayments, market sales, and purchases for short-term investor rehab, less the real and actual cost of administration, shall be reinvested in the Program.

(Ordinance No. [O2019-0001](#), Enacted 2/26/2019, Effective 3/31/2019)

Title 11: Equity

- [Chapter 1101: Equity Plan](#)

Chapter 1101: Equity Plan

Section 1101.01 Introduction

This Cuyahoga County Equity Plan includes two main parts. Sections 1101.02-1101.04 of the County Code are an aspirational statement, setting forth our vision as to what a successful equity program for our county would consist of and how it would be achieved. Sections 206.09, 208.01 and 1101.05 of the County Code provide for the implementation of specific actions to help achieve the goals set forth in Sections 1101.02-1101.04.

(Ordinance No. [O2012-0014](#), Enacted 8/14/2012, Effective 9/19/2012)

Section 1101.02 Vision of Equity

A. Purpose: Cuyahoga County embraces the ideal of one united community, committed to equality of opportunity for all of our citizens. As part of our equity plan, the county's objective is to remove barriers and enable all citizens in our community to have equal opportunities to fulfill their potential. The county will do so by ensuring that best practices in equity are being implemented by all county departments and agencies and by measuring progress on an ongoing basis. In addition, the county will work with community partners to influence other important domains that reinforce the economic, educational, health and social progress of Cuyahoga County and its citizens.

B. Definition of Equity: Equity is fairness, justice and inclusion by and among people and across all social, economic, and political classifications regardless of race, color, religion, sex, national origin, sexual orientation including gender identity, disability, age, or ancestry. An equitable community is a fair, just and healthy community, one that cares that income, race, and neighborhood are often major predictors of high school graduation rates, incarceration rates, general health and life expectancy. An equitable community is a connected community, one that links more people to better opportunities – among those being job opportunities, educational opportunities, business development and wellness opportunities.

(Ordinance No. [O2012-0014](#), Enacted 8/14/2012, Effective 9/19/2012)

Section 1101.03 Domains of Equity

Promoting equity requires efforts in many domains. Some of these domains relate to internal county department and agency operations; others revolve around external areas over which the county may exert influence. Many domains involve both internal and external operations and influences. Areas over which the county expects to require or influence equity efforts include:

A. Human Resources: Hiring and Promotion: Consistent with the county's equal opportunity policies, Cuyahoga County will be an employer committed to equity and diversity in all of its employment practices, with an emphasis on equity, merit, and diversity in hiring and promotion in accordance with Section 9.04 of the Cuyahoga County Charter.

B. Health and Human Services: Cuyahoga County will work towards ensuring that access to basic health and human services offered by the county is available based on need, promoting health and wellness initiatives for its employees and citizens; and supporting area organizations that contribute to a healthy community.

C. Contracting & Procurement: When issuing competitive bid requests/request for proposals or qualifications and when purchasing services, Cuyahoga County will strive to encourage and invite participation by qualified vendors from all geographic parts of the county, including minority, female, and small business enterprises.

D. Public Works and Infrastructure: Cuyahoga County plans to prioritize projects that are most needed in order to promote safety, inclusion and economic development across the county when determining the schedule and location of public works and infrastructure projects.

E. Public Safety and Justice Services: Cuyahoga County will provide access to a public safety and justice system that is fair to all of our citizens. Justice system advocacy efforts will ensure that victims are treated with compassion. To the extent permitted by grant conditions and guidelines, the County will award public safety grants based on overall community needs. Emergency management coordination will ensure that all areas of the county are involved in planning, preparedness and response.

F. Partnerships & Public Participation: Cuyahoga County will work with public and private partners, including local governments, businesses, institutions and organizations to promote the county as a place of inclusion, fairness, health and economic growth.

G. Education: Cuyahoga County will encourage, promote and support efforts to improve our educational system from early childhood through college and beyond. The county will encourage efforts designed to ensure that citizens have access to resources that improve skills and contribute to lifelong learning.

H. Economic Development: In accordance with the County's approved Economic Development Plan, Cuyahoga County will strengthen its collaboration with all County stakeholders, coordinating its economic development efforts through productive and transformative partnerships. The county will consider how it allocates resources, balancing factors, including the efficient use of resources, in areas of greatest need and on issues that require immediate attention.

I. Workforce Development: Cuyahoga County will foster job and vocation preparation, with a view to increasing employment opportunities and labor force participation for our

residents, particularly among the poor and marginalized in our community.

J. Environmental: Cuyahoga County will demonstrate a commitment to a sustainable community, one that appreciates its natural assets and seeks to preserve those assets for future generations. Any and all actions taken by the County to promote any of these objectives shall be done subject to and in accordance with all legal requirements, including all applicable state and federal laws and the Cuyahoga County Charter.

K. Voting Rights and Access to the Ballot: Cuyahoga County will act to protect its citizens' right to vote. The County will promote voter registration at all levels of citizen interaction with County Government. The County will also promote early voting programs, including voting by mail programs. When deemed necessary and appropriate, the County's Department of Law will seek court intervention to protect access to the ballot by the County's citizens.

(Ordinance Nos. [O2014-0008](#), Enacted 4/8/2014, Effective 4/14/2014; O2012-0014, Enacted 8/14/2012, Effective 9/19/2012)

Section 1101.04 Equity Goals/Values

Cuyahoga County will establish equity objectives reflecting the following values:

A. Inclusiveness: Cuyahoga County seeks to be a place of welcome for all people, encouraging interaction across the geographic and economic sectors of the county, and reflecting the diversity of cultures among us.

B. Comprehensiveness: Cuyahoga County will promote equity across all the domains, both internal and external, setting an example for both public and private partners.

C. Collaboration: Partnerships among the county and other political subdivisions, private sector businesses and nonprofit organizations, and other community institutions will be the norm as the county acts on this equity plan.

D. Community Outreach: Cuyahoga County will demonstrate efforts to reach out to the entire community when acting under this equity plan.

E. Measurement, Reporting & Transparency: As the county acts in the domains and reflects the values expressed in this equity plan, it will develop a system for collecting, recording, analyzing, encouraging community participation and publicly reporting information regarding the County's policies and initiatives in the area of equity through transparent and accountable means based on objective data and benchmarks.

(Ordinance No. [O2012-0014](#), Enacted 8/14/2012, Effective 9/19/2012)

Section 1101.05 Annual Equity Report

The annual equity report, provided for in Section 206.09(C)(7) shall include, at a minimum:

- A. a review and summary of the County's equity initiatives, organized by domain
- B. a summary of where and how resources dedicated to equity initiatives were allocated
- C. an analysis of equity results as measured against benchmarks
- D. a description of how the county collected the reported data and made it accessible to the public
- E. an update on benchmarks and a description of changes in equity initiatives for the coming year

(Ordinance No. [O2012-0014](#), Enacted 8/14/2012, Effective 9/19/2012)

Title 12: Voting Rights

- [Chapter 1201: Voting Rights Program](#)

Chapter 1201: Voting Rights Program

Section 1201.01. Establishment

There is hereby established the Cuyahoga County Voting Rights Program, which shall be administered by the County Executive through any appropriate departments, offices, and other agencies of county government.

(Ordinance No. [O2014-0008](#), Enacted 4/8/2014, Effective 4/14/2014)

Section 1201.02. Program Benefits

Notwithstanding any State law, regulation, or other directive to the contrary, the Cuyahoga County Executive is hereby expressly authorized to undertake all acts necessary to promote voter participation and access to the ballot in Cuyahoga County by all citizens, including, but not limited to the following:

- A. Promoting and implementing voter registration at all levels of citizen interaction with County government, including through services provided by any division in the Department of Health and Human Services; and
- B. Promoting early voting and maximizing voter participation through voting by mail in Cuyahoga County, including, but not limited to, mailing applications to vote by mail, with postage-prepaid return envelopes, to all registered voters in Cuyahoga County.

(Ordinance No. [O2014-0008](#), Enacted 4/8/2014, Effective 4/14/2014)

Title 13: Commercial Regulation

- [Chapter 1301: Consumer Protection](#)
- [Chapter 1302: Weights and Measures](#)
- [Chapter 1303: Bicycle and Scooter Share Licensing](#)
- [Chapter 1304: Disposable Bag Ban](#)

Chapter 1301: Consumer Protection

Section 1301.01: Definitions

As used in Chapter 1301:

- A. "Appliances" shall mean any device or instrument operated by electricity, gas or otherwise, and designed for personal, family or household purposes.
- B. "Assurance of Voluntary Compliance" shall mean a written agreement resolving or otherwise disposing of issues raised by a Complaint and which is entered into by the parties and the Director.
- C. "Complaint" shall mean any written statement that alleges a violation of this Chapter, Chapter 1302, the Ohio Revised Code, including sections 1345.02 and 1345.03, the Ohio Administrative Code, and other applicable consumer protection laws as amended.
- D. "Consumer" shall mean a person who engages in a consumer transaction with a supplier.
- E. "Consumer Goods" shall mean goods purchased, leased, or rented primarily for personal, family, or household purposes, including courses of instruction or training regardless of the purpose for which they are taken.
- F. "Credit and Debits" shall mean credit or debits which are primarily for personal, family, or household use.
- G. "Consumer Transaction" shall mean a sale, lease, assignment, award by chance, or other transfer of an item of goods, a service, a franchise, or an intangible, to an individual for purposes that are primarily personal, family, or household, or solicitation to supply any of these things. Consumer Transaction does not include transactions between persons defined in section 4905.03 and 5725.01 of the Ohio Revised Code, and their customers, except for transactions involving a loan made pursuant to sections 1321.35 through 1321.48 of the Ohio Revised Code and transactions in connection with residential mortgages between loan officers, mortgage brokers, or nonbank mortgage lenders and their customers; transactions involving a home construction service contract as defined in section 4722.01 of the Ohio Revised Code; transactions between certified public accountants or public accountants and their clients; transactions between attorneys, physicians, or dentists and their clients or patients; and transactions between veterinarians and their patients that pertain to medical treatment but not ancillary services.
- H. "Days" shall mean calendar days.

I. "Department" shall mean the Cuyahoga County Department of Consumer Affairs.

J. "Director" shall mean the Director of the Cuyahoga County Department of Consumer Affairs.

K. "Knowledge" shall mean actual awareness, but such actual awareness may be inferred where objective manifestations indicate that the individual involved acted with such awareness.

L. "Mediation" shall mean informal negotiations between the Consumer, the Supplier, and the Director.

M. "Person" shall mean any individual, corporation, government, governmental subdivision or agency, business trust, estate, trust partnership, association, cooperative, or other legal entity.

N. "Services" shall mean and includes, but is not limited to, work, labor, consumer transactions, privileges, and all other accommodations which are primarily for personal, family, or household purposes.

O. "Supplier" shall mean a seller, lessor, assignor, franchisor, or other person engaged in the business of effecting or soliciting consumer transactions, whether or not the person deals directly with the consumer. If the consumer transaction is in connection with a residential mortgage, "supplier" does not include assignee or purchaser of the loan for value, except as otherwise provided in section 1345.091 of the Ohio Revised Code. For purposes of this section, in a consumer transaction in connection with a residential mortgage, "seller" means a loan officer, mortgage broker, or nonbank mortgage lender.

P. "Unconscionable consumer sales acts or practices" shall mean practices in connection with a consumer transaction which unfairly takes advantage of the lack of knowledge, ability, experience, or capacity, of a consumer, or results in a gross disparity between the value received by a consumer and the price paid to the consumer's detriment. Unconscionable consumer sales acts or practices include, but are not limited to, those practices defined by this Chapter, Chapter 1302 of this Code, the Ohio Revised Code, Chapter 1345 of the Ohio Revised Code including section 1345.03, the Ohio Administrative Code, and other applicable consumer protection laws, as amended.

Q. "Unfair or Deceptive Practices" shall mean any unfair or deceptive consumer trade practice in the sale or any false, falsely disparaging, or misleading oral or written statement, visual description or other misrepresentation of any kind made in the conduct of any consumer transaction; the collection of consumer debts; the offering of sale, lease, rental or loan of consumer goods or services; the offering for sale of products by weight, count or measure. Unfair or deceptive practices include, but are not limited to, those practices defined by this Chapter, Chapter 1302 of this Code, the Ohio Revised Code, Chapter 1345 of the Ohio Revised Code including section 1345.02, the Ohio

Administrative Code, and other applicable consumer protection laws, as amended.

(Ordinance No. [O2018-0002](#), Enacted 4/24/2018, Effective 5/25/2018)

Section 1301.02: Unfair and Deceptive Practices Prohibited

No supplier shall engage in any unfair or deceptive practice as defined in Section 1301.01 (Q), including but not limited to, using in any manner the name, logo, and/or seal of any governmental entity, or purport to the consumer that it has the authority of any governmental entity, including Cuyahoga County, without authorization. Such an unfair or deceptive practice violates this Chapter whether it occurs before, during, or after the transaction.

Without limiting the scope of an unfair or deceptive practice, the act or practice of a supplier in representing any of the following is deceptive:

- A. That the subject of a consumer transaction has sponsorship, approval, performance characteristics, accessories, uses, or benefits that it does not have;
- B. That the subject of a consumer transaction is of a particular standard, quality, grade, style, prescription, or model, if it is not;
- C. That the subject of a consumer transaction is new, or unused, if it is not;
- D. That the subject of a consumer transaction is available to the consumer for a reason that does not exist;
- E. That the subject of a consumer transaction has been supplied in accordance with a previous representation, if it has not, except that the act of a supplier in furnishing similar merchandise of equal or greater value as a good faith substitute as determined by Chapter 1345 of the Ohio Revised Code and does not violate this section;
- F. That the subject of a consumer transaction will be supplied in greater quantity than the supplier intends;
- G. That replacement or repair is needed, if it is not;
- H. That a specific price advantage exists, if it does not;
- I. That the supplier has a sponsorship, approval, or affiliation that the supplier does not have;
- J. That a consumer transaction involves or does not involve a warranty, a disclaimer of warranties or other rights, remedies, or obligations if the representation is false.

Whoever violates any provisions of this Section may be subject to the remedies provided in Section 1301.08. Each violation shall constitute a separate offense.

(Ordinance No. [O2018-0002](#), Enacted 4/24/2018, Effective 5/25/2018)

Section 1301.03: Unconscionable Consumer Sales Acts or Practices Prohibited

No supplier shall engage in any unconscionable consumer sales act or practice as defined in Section 1301.01 (P). Such an unconscionable sales act or practice violates this Chapter whether it occurs before, during, or after the transaction.

In determining whether an act or practice is unconscionable, the following circumstances shall be taken into consideration:

- A. Whether the supplier has knowingly taken advantage of the inability of the consumer reasonably to protect the consumer's interests because of the consumer's physical or mental infirmities, ignorance, illiteracy, or inability to understand the language of an agreement;
- B. Whether the supplier knew at the time the consumer transaction was entered into that the price was substantially in excess of the price at which similar property or services were readily obtainable in similar consumer transactions with consumers;
- C. Whether the supplier knew at the time the consumer transaction was entered into of the inability of the consumer to receive a substantial benefit from the subject of the consumer transaction;
- D. Whether the supplier knew at the time the consumer transaction was entered into that there was no reasonable probability of payment of the obligation in full by the consumer;
- E. Whether the supplier required the consumer to enter into a consumer transaction on terms the supplier knew were substantially one-sided in favor of the supplier;
- F. Whether the supplier knowingly made a misleading statement or opinion on which the consumer was likely to rely to the consumer's detriment;
- G. Whether the supplier has, without justification, refused to make a refund in cash or by check for a returned item that was purchased with cash or check, unless the supplier had conspicuously posted in the establishment at the time of the sale a sign stating the supplier's refund policy.

Whoever violates any provisions of this Section may be subject to the remedies provided in Section 1301.08. Each violation shall be a separate offense.

(Ordinance No. [O2018-0002](#), Enacted 4/24/2018, Effective 5/25/2018)

Section 1301.04: Jurisdiction

The Department shall have jurisdiction over all consumer transactions which take place within Cuyahoga County, regardless of the residence of any of the persons directly or indirectly affected by such transaction. For purposes of online and/or telephone consumer transactions, the location of the consumer or the supplier within Cuyahoga County at the time of the transaction shall establish jurisdiction.

(Ordinance No. [O2018-0002](#), Enacted 4/24/2018, Effective 5/25/2018)

Section 1301.05: Filing Consumer Complaints

Any consumer who feels they have been subjected to unfair or deceptive practices or unconscionable consumer sales acts or practices may at any time file a complaint in writing with the Cuyahoga County Department of Consumer Affairs; provided, however that no action may be brought by the County under this Chapter to recover for a transaction more than two years after the occurrence of a violation. Filing a complaint pursuant to this Chapter does not toll the statute of limitations in any other action before another entity or court. The complaint should state enough details of the incident so as to allow the Department to investigate the circumstances surrounding the incident, the complaint should state the name and address of the person alleged to have committed the violation, the details of the violation, and any other information the Department deems necessary.

(Ordinance No. [O2018-0002](#), Enacted 4/24/2018, Effective 5/25/2018)

Section 1301.06: Enforcement Procedures

A. In enforcing this Chapter, the County Executive, through the Director, may:

1. Investigate a violation or a complaint;
2. Attempt dispute resolution, including mediation with the parties;
3. Refer a complaint or a violation to the County Prosecutor, Ohio Attorney General, Federal Trade Commission, Consumer Financial Protection Bureau, or other appropriate agencies with jurisdiction over the complaint; or
4. Enforce violations of this Chapter through civil actions.

B. When the County Executive finds that any violation is causing or will cause immediate, substantial, and irreparable injury, or it is otherwise in the public interest, the County Executive, through the Director, may take immediate enforcement action, including issuing a Cease and Desist Order, obtaining a Written Assurance of Voluntary Compliance or entering into a settlement/mediation agreement prohibiting the alleged violator from engaging in an unfair or deceptive practice or unconscionable consumer sales act or practice. Any settlement shall be in writing and made a matter of public record.

C. The County Executive may bring a civil action in the Cuyahoga County Court of Common Pleas or any court of competent jurisdiction to enforce a Cease and Desist Order, a Written Assurance of Voluntary Compliance and/or Settlement/Mediation Agreement, and also to enjoin any violation of this Chapter or Chapter 1302 or enforce any order or decision issued under this Chapter or Chapter 1302.

D. County Executive, through the Director and upon approval of the Director of Law or his/her designee, shall have the power to compel via notification the attendance of witnesses and to require the production by them of books, papers, documents, and other materials relevant to any case under investigation.

E. Notwithstanding paragraphs (A) through (D) of this Section, no action seeking civil penalties under this code shall be brought by the County if an action seeking civil penalties has been brought, and is either pending or disposed of by a court of competent jurisdiction with prejudice, by the Ohio Attorney General under Section 1345.07 of the Ohio Revised Code for the same underlying conduct. This limitation shall not apply to (1) any action brought by the county that does not seek civil penalties or (2) any action brought by the county seeking to enforce a settlement agreement or court order resulting from a prior action or settlement approved by County or the Ohio Attorney General.

(Ordinance No. [O2018-0002](#), Enacted 4/24/2018, Effective 5/25/2018)

Section 1301.07: Investigations by Director of Consumer Affairs

A. If, by the Director's or the Director's designee's own inquiries or, as a result of complaints, the Director has reason to believe that a person has engaged or is engaging in an act or practice that violates this Chapter, he/she may investigate.

B. For this purpose, the County Executive, through the Director and upon approval of the Director of Law or his/her designee, may administer oaths, compel witnesses to attend an investigatory hearing, adduce evidence, and require the production of relevant matter.

C. Within twenty days after a notice to attend has been delivered via certified mail, return receipt requested, a person noticed under this section may file a motion to extend the date for appearance, stating good cause for the request.

D. A person compelled to attend under this section shall comply with the terms of the notice, unless the parties agree to modify the terms of the notice or unless the County Executive has modified or withdrawn the notice.

E. If a person fails without lawful excuse to obey a notice to appear or to produce

relevant matter, the County Executive, through the Director, may file a complaint in the Cuyahoga County Court of Common Pleas or a court of competent jurisdiction for violations of this Chapter.

F. The procedures available to the County Executive and Director under this section are cumulative and concurrent, and the exercise of one procedure by the County Executive or Director does not preclude or require the exercise of any other procedure.

(Ordinance No. [O2018-0002](#), Enacted 4/24/2018, Effective 5/25/2018)

Section 1301.08: Director of Consumer Affairs Remedies

A. If the Director finds a violation, the County Executive, through the Director, may order the supplier to:

1. cease and desist committing the violation;
2. provide restitution to the consumer;
3. pay any costs of investigation or related activities of the Department;
4. pay a civil penalty as set forth in this Section;
5. or take any other action that would:
 - a. assist the public in obtaining relief;
 - b. prevent future violations; or
 - c. otherwise make the consumer whole.

B. If the Director, by the Director's or the Director's designee's own inquiries, or as a result of complaints, has reasonable cause to believe that a supplier has engaged or is engaging in a practice that violates this Chapter, and that the action would be in the public interest, the County Executive, through the Director, may bring any of the following:

1. An action to obtain a declaratory judgment that the act or practice violates this Chapter;
2. (a) An action, with notice as required by Civil Rule 65, to obtain a temporary restraining order, preliminary injunction, or permanent injunction to restrain the act or practice. If the County shows by a preponderance of the evidence that the supplier has violated this Chapter, the court may issue a temporary restraining order, preliminary injunction, or permanent injunction to restrain and prevent the act or practice.

(b) On motion of the County, or on its own motion, the court may impose a civil penalty of not more than five thousand dollars for each day of violation of a temporary restraining order, preliminary injunction, or permanent injunction issued under this section, if the supplier received notice of the action.

C. On motion of the County and without bond, in the County's action under this section, the court may make appropriate orders, including appointment of a referee or a receiver, for sequestration of assets, to reimburse consumers found to have been damaged, to carry out a transaction in accordance with a consumer's reasonable expectations, to strike or limit the application of unconscionable clauses of contracts so as to avoid an unconscionable result, or to grant other appropriate relief. The court may assess the expenses of a referee or receiver against the supplier.

D. In addition to the other remedies provided in this section, if a violation is an act or practice that was declared to be unfair, deceptive, or unconscionable by rule adopted pursuant to division (B)(2) of section 1345.05 of the Revised Code before the consumer transaction on which the action is based occurred or an act or practice that was determined by a court of this state to violate section 1345.02, 1345.03, or 1345.031 of the Revised Code and committed after the decision containing the court's determination was made available for public inspection pursuant to division (A)(3) of section 1345.05 of the Revised Code, the County may request and the court may impose a civil penalty of not more than twenty-five thousand dollars against the supplier.

E. If a court determines that provision has been made for reimbursement or other appropriate corrective action, insofar as practicable, with respect to all consumers damaged by a violation, or in any other appropriate case, the County, with court approval, may terminate enforcement proceedings brought by the County Executive upon acceptance of an assurance from the supplier of voluntary compliance with this Chapter, with respect to the alleged violation. The assurance shall be filed with the court and entered as a consent judgment. Disregard of the terms of a consent judgment entered upon an assurance shall be treated as a violation of an injunction issued under this section.

F. Violation of a cease and desist order, a written assurance of voluntary compliance, and/or mediated settlement agreement entered into pursuant to this section shall be treated as a violation of this Chapter and enforced pursuant to this Section.

G. A violation of this Chapter shall be punishable by the payment of a civil penalty in the sum of not less than one thousand (\$1000.00) dollars, nor more than five thousand (\$5000.00) dollars, to be recovered in a civil action.

H. Civil penalties ordered pursuant to divisions (B), (D), and (G) of this section shall be paid to the Cuyahoga County Treasurer;

I. The remedies available to the County Executive and the Director under this section are cumulative and concurrent, and the exercise of one remedy by the County Executive or Director does not preclude or require the exercise of any other remedy. The County Executive and Director are not required to use any procedure set forth in Section 1301.07 prior to the exercise of any remedy set forth in this section.

(Ordinance No. [O2018-0002](#), Enacted 4/24/2018, Effective 5/25/2018)

Section 1301.09: Other Rights and Remedies

A. Nothing herein shall prevent any person from exercising any right or seeking any private remedy or redress to which one might otherwise be entitled, or from filing any complaint with any other agency or court.

B. Bona Fide Errors

1. In any case arising under this Chapter, if a supplier shows by a preponderance of the evidence that a violation resulted from a bona fide error notwithstanding the maintenance of procedures reasonably adopted to avoid the error, no civil penalties shall be imposed against the supplier under Section 1301.08 of this Code, monetary recovery shall not exceed the amount of actual damages resulting from the violation.
2. If a supplier shows by a preponderance of the evidence that a violation was an act or practice required or specifically permitted by Federal Trade Commission orders, trade regulation rules and guides, or the federal courts' interpretations of subsection 45(a)(1) of the "Federal Trade Commission Act," 38 Stat. 717 (1914), 15 U.S.C. 41, as amended, and that the act or practice was not otherwise declared to be unfair, deceptive, or unconscionable by a rule adopted pursuant to division (B)(2) of 1345.05 of the Revised Code before the consumer transaction on which the action is based. If the case arises under this Chapter, the County Executive and Director are limited to injunctive relief as the only remedy against the supplier for that violation.
3. A receiver may be appointed by the court in an action under this Chapter if it is shown that the assets of the supplier are in danger of being lost, removed, injured, or dissipated. A receiver may, under the direction of the court, do all of the following:
 - a. Sue for, collect, receive, and take into his possession all the goods, chattels, rights, credits, moneys, effects, lands, tenements, books, records documents, papers, choses in action, bills, notes, and other property and assets of every kind and description acquired by any act or practice prohibited by this chapter, including property with which such property has been commingled if it cannot be identified in kind because of commingling;
 - b. Sell, convey, and assign all property taken into his or her possession, and hold and dispose of the proceeds;
 - c. Perform any other acts respecting the property that the court authorizes.
4. Any person who has suffered damages as a result of the use of any act or practice prohibited by this Title and who submits proof to the satisfaction of the court that he or she has in fact been damaged, may participate with general creditors in the distribution of the assets to the extent that he or she has sustained out-of-pocket losses.
5. If a court determines after a hearing in any action brought pursuant to this Chapter that a supplier in the course of performing activity under any license or

permit issued by the state or a political subdivision or agency of the state, engaged in any practice that violates this Chapter, the Director may, within sixty days after the time for appealing has expired, send a certified copy of the court's final judgment and supporting opinion to the issuing authority. Upon receipt of the court's judgment and opinion, the issuing authority may investigate to determine whether to institute proceedings to revoke or suspend the supplier's license or permit.

(Ordinance No. [O2018-0002](#), Enacted 4/24/2018, Effective 5/25/2018)

Section 1301.10: Applicability

Nothing in the Chapter shall be construed to exempt compliance with state and federal laws related to consumer protection. Violation of these laws may be prosecuted as applicable. The remedies in this Chapter are in addition to remedies otherwise available for the same conduct under state or local law.

(Ordinance No. [O2018-0002](#), Enacted 4/24/2018, Effective 5/25/2018)

Section 1301.11: Severability

This Chapter and each article and section thereunder, are hereby declared to be independent and, notwithstanding any other evidence of legislative intent, it is hereby declared to be controlling legislative intent that if any provisions of said article and/or section, or the application thereof to any person or circumstance is held to be invalid, the invalidity shall not affect other articles and/or sections of this Chapter, and it is hereby declared that such articles and sections would have been passed independently of such article and/or section so known to be invalid.

(Ordinance No. [O2018-0002](#), Enacted 4/24/2018, Effective 5/25/2018)

Chapter 1302: Weights and Measures

Section 1302.01: Definitions

As used in Chapter 1302:

- A. "Correct" shall mean conformance to all applicable requirements of this Chapter.
- B. "Department" shall mean the Cuyahoga County Department of Consumer Affairs.
- C. "Director" shall mean the Director of the Department of Consumer Affairs.
- D. "Package" shall mean any commodity enclosed in a container or wrapped in any manner in advance of wholesale or retail sale. An individual item or lot of any commodity on which there is marked a selling price based on an established price per unit of weight or of measure shall be considered a package or packages.
- E. "Person" shall mean any individual, corporation, government, governmental subdivision or agency, business trust, estate, trust partnership, association, cooperative, or other legal entity.
- F. "Primary standards" means the physical standards of the state that serve as the legal reference from which all other standards and weights and measures are derived.
- G. "Secondary standards" means the physical standards that are traceable to the primary standards through comparisons, using acceptable laboratory procedures, and used in the enforcement of weights and measures laws and rules.
- H. "Sale from Bulk" shall mean the sale of commodities when the quantity is determined at the time of the sale.
- I. "Seal" shall mean any official tag, seal, wire, or mark of the Cuyahoga County Department of Consumer Affairs, Weights and Measures Division, indicating a device has been inspected.
- J. "Sealer" shall mean the Cuyahoga County Fiscal Officer. When in this Chapter the words "Sealer" are used, they shall mean the Fiscal Officer, or any of his or her delegates duly authorized to perform the duties of such officer.
- K. "Short-weight Packages" shall mean any "standard pack" or "pre-pack commodity" whose net contents is not equal to or exceed the labeled or advertised quantity at the retail outlet.
- L. "Weight" means as used in connection with any commodity or service net weights.

“Net weight” means the weight of a commodity, excluding any materials, substances, or items not considered to be a part of the commodity. Materials, substances, or items not considered to be part of the commodity include, but are not limited to, containers, conveyances, bags, wrappers, packaging materials, labels, individual piece coverings, decorative accompaniments, and coupons.

M. “Weight(s) and/or Measure(s)” shall mean all weights and measures of every kind, instruments and devices for weighing and measuring, and any appliance and accessories associated with any or all such instruments and devices.

(Ordinance No. [O2018-0003](#), Enacted 4/24/2018, Effective 5/25/2018)

Section 1302.02: Filing Consumer Complaints

The obligations and prohibitions in this Chapter shall supplement and be consistent with any and all State, rules, regulations, and procedures governing weights and measures. Any person who feels they have been subjected to unfair or deceptive practices or unconscionable consumer sales acts or practices directly related to any violation of this Chapter, the Ohio Revised Code, or the Ohio Administrative Code related to weights and measures laws may file a complaint in writing with the Cuyahoga County Department of Consumer Affairs. The complaint should be filed at any time within two (2) years from the date of the alleged violation or within a reasonable time after the consumer discovers or should have discovered the violation, whichever is later. Filing a complaint pursuant to this Chapter does not toll the statute of limitations for any other action before another entity or court. The complaint should state enough details of the incident to allow the Department to investigate the circumstances surrounding the incident, and at a minimum, the complaint should state the name and address of the person alleged to have committed the violation, the details of the violation, and any other information the Department deems necessary.

(Ordinance No. [O2018-0003](#), Enacted 4/24/2018, Effective 5/25/2018)

Section 1302.03: Standards for Weights and Measures

A. The systems of weights and measures.

The definitions of basic units of weight and measure, the tables of weights and measures, and weights and measures equivalents as published by the National Institute of Standards and Technology are recognized and adopted by the Department and shall govern weighing and measuring equipment and transactions in the county.

B. Technical requirements for weighing and measuring devices.

The specifications, tolerances, and other technical requirements for commercial, law enforcement, data gathering, and other weighing and measuring devices as adopted by the National Conference on Weights and Measures and published in the National

Institute of Standards and Technology Handbook 44, Specifications, Tolerances, and Other Technical Requirements for Weighing and Measuring Devices,” and supplements thereto or revisions thereof, shall apply to weighing and measuring devices in the county, except insofar as modified or rejected by applicable provisions of the Ohio Revised Code or Ohio Administrative Code.

C. Information required on packages.

Except as otherwise provided in this Chapter or by regulation promulgated pursuant hereto, any package kept for the purpose of sale or offered or exposed for sale shall bear on the outside of the package a definite, plain, and conspicuous declaration of:

1. The identity of the commodity in the package, unless the same can easily be identified through the wrapper or container.
2. The net quantity of the contents in terms of weight, measure or count.
3. The name and place of business of the manufacturer, packer or distributor, in the case of any package kept, offered or exposed for sale or sold in any place other than on the premises where packed.

D. Declarations of unit price on random weight packages.

In addition to the declarations required in Section 1302.05(l) of this Chapter, any package being one of a lot containing random weights of the same commodity and bearing the total selling price of the package shall bear on the outside of the package a plain and conspicuous declaration of the price per single unit of weight.

E. Advertising packages for sale.

Whenever a packaged commodity is advertised in any manner with the retail price stated, there shall be closely and conspicuously associated with the retail price a declaration of quantity as is required by law or regulations to appear on the package. Where a dual declaration is required, the declaration that sets forth the quantity in terms of the smaller unit of weight or measure need appear in the advertisement.

F. Prohibitions.

No person shall:

1. Use or have in possession for use in commerce any incorrect weight or measure.
2. Remove any seal from any weight or measure device without specific written authorization from the proper authority.
3. Hinder or obstruct any Weights and Measures’ official in the performance of his or her duties.
4. Sell, offer or expose, use or keep to be used, any weight or measure for weighing or measuring any article bought, sold, offered or exposed for sale, which is liable to indicate false or inaccurate weight or measure, or which does not conform to the standard established by law.
5. Sell, offer or expose any weight or measure for weighing or measuring of products for sale without said weight and measure having been tested, marked and sealed by weights and measures official.

6. Misrepresent the price of any commodity or service, sold, offered, exposed or advertised for sale by weight, measure or count, or represent the price in any manner calculated or tending to mislead or in any way deceive a person.

(Ordinance No. [O2018-0003](#), Enacted 4/24/2018, Effective 5/25/2018)

Section 1302.04: Duty of Testing and Sealing

A. When necessary for the enforcement of this Chapter, the Sealer is hereby:

1. Authorized to enter any commercial premises during normal business hours, except in the event such premises are not open to the public.
2. Empowered to issue violations and condemned orders with respect to any weights and measures commercially used, and issue violations and off sale orders with respect to any packaged commodities or bulk commodities, kept, offered or exposed for sale.
3. Empowered to seize, for use as evidence, without formal warrant, any incorrect or unapproved weight, measure, package or commodity found to be used, retained, offered or exposed for sale or sold in violation of the provisions of this Chapter.
4. With respect to the enforcement of this Chapter, the Sealer is hereby vested with the authority and is to investigate any commercial vendors within the county found to possess weighing and/or measuring devices which are in violation of this Chapter.

(Ordinance No. [O2018-0003](#), Enacted 4/24/2018, Effective 5/25/2018)

Section 1302.05: Equipment

A. Suitability of equipment.

Commercial equipment shall be suitable for the service in which it is used with respect to elements of its design, including but not limited to its weighing capacity (for weighing devices), its computing capability (for computing devices), its rate of flow (for liquid measuring devices), the character, number size, and location of its indicating or recording elements, and the value of its smallest unit and unit prices.

B. Accessibility for testing purposes.

A device shall be so located or such facilities for normal access thereto shall be provided to permit inspecting and testing the device; inspecting and applying security seals to the device, and readily bringing the testing equipment of the Weights and Measures official to the device by customary means and in the amount and size deemed necessary by such official for the proper conduct of the test. Otherwise, it shall be the responsibility of the device owner or operator to supply such special facilities,

including such labor as may be needed to inspect, test, and seal the device, and to transport the testing equipment to and from the device, as required by the Weights and Measures official.

C. Method of operation.

Equipment shall be operated only in the manner that is obviously indicated by its construction or that is indicated by instructions on the equipment.

D. Installation.

A device shall be installed in accordance with the manufacturer's instructions, including any instructions marked on the device. A device installed in a fixed location shall be so that neither its operation nor its performance will be adversely affected by any characteristic of the foundation, supports, or any other detail of the installation.

E. Position of equipment.

A device or system equipped with a primary indicating element and used in direct sales, except for prescription scales, shall be positioned so that its indications may be accurately read and the weighing or measuring operation may be observed from some reasonable "customer" and "operator" position. The permissible distance between the equipment and a reasonable customer and operator position shall be determined in each case upon the basis of the individual circumstances, particularly the size and character of the indicating element.

F. Maintenance of equipment.

All equipment in service and all mechanisms and devices attached thereto or used in connection therewith shall be continuously maintained in proper operating condition throughout the period of such service. Equipment in service at a single place of business found to be in error predominantly in a direction favorable to the device user shall not be considered "maintained in a proper operating condition."

G. Requirements for the method of sale of commodities.

The Uniformed Regulation for the Method of Sale of Commodities as adopted by the National Conference on Weights and Measures and published in National Institute of Standards and Technology Handbook 130, "Uniform Laws and Regulations," and supplements thereto or revisions thereof, shall apply to the method of sale of commodities in the county, except insofar as modified or rejected by applicable provisions of the Ohio Revised Code or Ohio Administrative Code.

H. Requirements for packaging and labeling.

The Uniform Packaging and Labeling Regulation as adopted by the National Conference on Weights and Measures and published in the National Institute of Standards and Technology Handbook 130, "Uniform Laws and Regulations," and supplements thereto or revisions thereof, shall apply to packaging and labeling in the county, except insofar as modified or rejected by regulation.

I. Requirements for price verification.

The Examination Procedures for Price Verification as adopted by the National Conference on Weights and Measures and published in the National Institute of Standards and Technology Handbook 130, "Uniform Laws and Regulations," and supplements thereto or revisions thereof, shall apply to price verification in the county, except insofar as modified or rejected by regulation.

J. Itinerant vendor.

All itinerant vendors using a weighing or measuring device in the county shall have that device inspected and tested by the Weights and Measures officials at the point of sale.

K. Obstructing county weights and measures inspector prohibited.

No person shall obstruct or hinder County Weights and Measures inspectors in the performance of any of the duties imposed upon him or her by the provisions of this Chapter.

(Ordinance No. [O2018-0003](#), Enacted 4/24/2018, Effective 5/25/2018)

Section 1302.06: Deceptive Practices Prohibited

No person shall do any of the following:

A. Sell, offer, or expose for sale less than the quantity he represents;

B. Take any more than the quantity he represents when, as a buyer, he furnishes the weight or measure by means of which the quantity is determined;

C. Represent the quantity he sells or offers or exposes for sale in any manner tending to mislead or in any way to deceive.

(Ordinance No. [O2018-0003](#), Enacted 4/24/2018, Effective 5/25/2018)

Section 1302.07: Remedies

A. Upon finding a violation of this Chapter, the Director shall expeditiously cause the same to be corrected or where there is evidence of intent to defraud commence a civil action in the name of the county to recover a civil penalty in the amounts prescribed. In lieu of instituting or continuing a cause of action for recovery of such civil penalty may be released, settled or compromised by the Director.

B. Seek injunctive relief as a means of enforcing this Chapter. Said injunctive relief may include, but is not limited to, an Assurance of Voluntary Compliance prohibiting the alleged violator from engaging in an unfair or deceptive practice; stipulation for payment of penalty and/or investigative costs. Any settlement shall be in writing and made a matter of public record.

C. Violation of an assurance entered pursuant to this section shall be treated as a violation of this Chapter and shall be subject to all the penalties provided therefor.

D. In enforcing this Chapter, the Director shall be subject to the jurisdiction, investigation, and enforcement provisions and procedures in Chapter 1301 of the Cuyahoga County Code, as long as it does not conflict with any other weights and measures laws enacted by other political subdivisions within the County.

E. A violation of any provision of this Chapter shall be punishable by a payment of a civil penalty in the sum of not less than fifty dollars (\$50.00) or more than five hundred dollars (\$500.00). Subsequent violations shall be punishable by a payment of a civil penalty of not less than one hundred dollars (\$100.00) or more than one thousand dollars (\$1,000.00).

(Ordinance No. [O2018-0003](#), Enacted 4/24/2018, Effective 5/25/2018)

Section 1302.08: Price Refunds; Price Information

A. A person who uses an electronic scanner to record the price of a commodity or thing and who sells the commodity or thing at a price higher than the posted or advertised price of that commodity or thing at least shall refund to a person who purchases the commodity or thing the difference between the posted or advertised price of the commodity or thing and the price charged at the time of sale.

B. A person who sells a commodity or thing and who uses an electronic scanner to record the price of that commodity or thing shall display, in a conspicuous manner, a sign stating the requirement of this section.

C. Whoever violates any provisions of this Section may be subject to penalties provided in Section 1302.07.

(Ordinance No. [O2018-0003](#), Enacted 4/24/2018, Effective 5/25/2018)

Section 1302.09: Sales of Petroleum Products

A. Definition.

For the purpose of this Chapter, "petroleum products" includes all liquid products having a predominant content of derivatives of petroleum and customarily used in motor vehicles.

B. Posting of petroleum product prices.

Street signage is not required. However, when street signage is used, the sign shall match the product price at which the product is displayed. The signs must be visible to the motorist before entering the station to purchase fuel. The conditions applicable to

the sale of the fuel at the advertised price must also be on the advertising sign (i.e., full service or self-service and cash price or credit price). The total size of the figures indicating a fractional or decimal number which is part of the price shall be at least forty percent the size of the largest figure in the whole number accompanying said fractional or decimal number.

C. Retail dispenser labeling.

All retail dispensing devices must identify conspicuously the type and price of product, the particular grade of the product, and the applicable automotive fuel rating.

D. Prohibited advertising practices.

No person shall advertise in and about the premises where the petroleum product is sold, whether by display, sign or otherwise, the sale of petroleum products to be sold or delivered by means of a device of the computing type at a price less than that for which said computing device has been set.

E. Penalties.

Whoever violates any provisions of this Section may be subject to penalties provided in Section 1302.07.

(Ordinance No. [O2018-0003](#), Enacted 4/24/2018, Effective 5/25/2018)

Chapter 1303: Bicycle and Scooter Share Licensing

Section 1303.01

A. As used in this Chapter:

“Bicycle and Scooter Share Program” means a transportation program within Cuyahoga County that allows users to rent bicycles, scooters, and other modes of transportation that do not require a state license for operation for point-to-point trips.

“Bicycle and Scooter Share Company” means an entity licensed to do business in the State of Ohio that operates a Bicycle and Scooter Share program.

B. The Cuyahoga County Department of Sustainability may issue a Bicycle and Scooter Share license and charge a license fee and per trip fee to entities that apply for a license issued in accordance with rules adopted under this chapter. The term of any license issued under this chapter shall be set by the Cuyahoga County Department of Sustainability and shall not exceed five years commencing on the date of issuance. Approval of such licenses shall not be subject to the requirements of Chapter 501 of this Code. The Director of Sustainability may place a cap on the total number of licenses issued prior to December 31, 2020.

C. The Director of Sustainability shall adopt rules and a fee schedule in accordance with Chapter 113 of the Cuyahoga County Code for purposes of maintaining an orderly Bicycle and Scooter Share network within Cuyahoga County, issuing licenses to Bicycle and Scooter Share companies, and setting a license fee and per trip fee.

D. Any Bicycle or Scooter Share Company that receives a license under this chapter and either violates the terms of the license or fails to pay the fees established under this Chapter may have their license revoked. No entity shall operate a Bicycle and Scooter Share company in Cuyahoga County without a valid license issued under this Chapter. Any entity that operates a Bicycle and Scooter Share Company in Cuyahoga County without a license issued under this chapter shall be fined an amount equal to twice the current cost of a license, determined as of the date of the citation, as established in the fee schedule adopted under this chapter. The Director of Sustainability may deny issuing a license to any entity that has previously received a license and violated the terms of that license. The Director of Law may, on behalf of the County Executive, bring civil enforcement action to collect any fines or fees due under this Chapter.

E. The Director of Sustainability may enter into agreements with municipalities within Cuyahoga County to expand Bicycle and Scooter Share operations throughout the

County and to distribute or direct payment of the per trip fees collected to the municipalities in accordance with the rules adopted pursuant to this Chapter.

F. All monies remitted directly to Cuyahoga County shall be deposited into the Bicycle and Scooter Share Fund established pursuant to Chapter 723 of this Code.

(Ordinance No. [O2019-0004](#), Enacted 4/23/2019, Effective 5/26/2019)

Chapter 1304: Disposable Bag Ban

Section 1304.01: Definitions

The following definitions shall apply for purposes of the County Code only:

A. "Disposable Plastic Bag" means a bag made from either non-compostable plastic or compostable plastic provided by a Retail Establishment to a customer at point of sale for the purpose of transporting purchased items. Disposable Plastic Bag does not include:

1. a bag the customer brought with them to the Retail Establishment,
2. a newspaper bag,
3. a bag provided by a pharmacist that contains a prescription drug,
4. a bag used to package a bulk item or to contain or wrap a perishable item such as meat, fish, produce, baked goods, or flowers,
5. a bag that a restaurant gives a customer to take prepared or leftover food or drink from the restaurant, a bag intended for use as a dry cleaning, garbage, or yard waste bag,
6. pre-packaged bags used for the collection of pet waste,
7. Non-Permitted Paper Bags and Permitted Paper Bags, as defined in this Chapter,
8. Bags provided to the consumer for the purpose of transporting a partially consumed bottle of wine pursuant to Section 4301.62(E) of the Ohio Revised Code,
9. a bag provided at curbside pickup or point of delivery or,
10. a bag provided for the purpose of transporting hazardous materials.

B. "Non-Permitted Paper Bag" means a paper bag provided by a Retail Establishment to a customer at a point of sale for the purpose of transporting goods, which does not meet the standard of a "Permitted Paper Bag."

C. "Permitted Paper Bag" means a paper bag provided by a Retail Establishment to a customer at the point of sale for the purpose of transporting goods, which meets both of the following requirements:

1. The bag is manufactured from at least 40% recycled content; and
2. The bag is 100% recyclable.

D. "Retail Establishment" means any supermarket, convenience store, department store, store, shop, service station, or restaurant and any other sales outlets where a customer can buy goods and/or food.

E. "Reusable Bag" means a bag that is specifically intended for multiple reuse and is

made of cloth, fiber, or other machine washable fabric that is at least 2.25 mils thick and capable of carrying a minimum of 18 pounds with at least 75 uses per bag.

(Ordinance No. [O2019-0005](#), Enacted 5/28/2019, Effective 6/29/2019)

Section 1304.02: Disposable Bag Ban Imposed

A. Commencing on January 1, 2020 no Disposable Plastic Bags or Non-Permitted Paper Bags shall be used within Cuyahoga County by any Retail Establishment. Retail Establishments shall offer only a Reusable Bag or a Permitted Paper Bag to a customer at the point of sale for the purpose of transporting goods.

B. No Retail Establishment shall refuse to allow customers to bring with them and to use their own reusable bag or bags.

C. Retail Establishments shall encourage customers to bring their own reusable bags and customers who bring their own reusable bags to the Retail Establishment will not be required to use the Retail Establishment's Disposable Bags nor will they be charged a fee for the use of reusable bags.

(Ordinance No. [O2019-0005](#), Enacted 5/28/2019, Effective 6/29/2019)

Section 1304.03: Penalty

A Retail Establishment found to be in violation of this Chapter shall be subject to a written warning for the first violation, a civil fine of up to \$100 for a second violation, and a civil fine of up to \$500 for each subsequent violation. A separate violation shall be deemed committed each day during or on which a violation or noncompliance occurs or continues. Only violations occurring on or after January 1, 2021, are subject to penalty.

(Ordinance Nos. [O2020-0011](#), Enacted 6/9/2020, Effective 6/9/2020; [O2019-0012](#), Enacted 12/19/2019, Effective 12/19/2019; [O2019-0005](#), Enacted 5/28/2019, Effective 6/29/2019)

Section 1304.04: Enforcement

This Chapter shall be enforced by the Cuyahoga County Department of Consumer Affairs commencing on January 1, 2021. Any citation for violating this Chapter may be appealed by the Retail Establishment to The Cuyahoga County Debarment Review Board established under Section 205.06 of the Cuyahoga County Code. The Cuyahoga County Debarment Review Board may establish administrative rules and/or procedures to adjudicate any appeals described herein. A determination by the Debarment Review Board may be appealed to the Cuyahoga County Common Pleas Court pursuant to Section 2506 of the Ohio Revised Code.

(Ordinance Nos. [O2020-0011](#), Enacted 6/9/2020, Effective 6/9/2020; [O2019-0012](#), Enacted 12/19/2019, Effective 12/19/2019; [O2019-0005](#), Enacted 5/28/2019, Effective 6/29/2019)

Title 14: Animals

- [Chapter 1401: Animal Abuse Registry](#)

Chapter 1401: Animal Abuse Registry

Section 1401.01: Definitions

As used in this chapter of the Cuyahoga County Code:

A. "Animal shelter" has the same meaning as in section 4729.01 of the Ohio Revised Code.

B. "Companion animal" has the same meaning as in section 959.131 of the Ohio Revised Code.

C. "Dog kennel" has the same meaning as in section 959.131 of the Ohio Revised Code.

D. "Felony animal cruelty" means any violation of chapter 959 of the Ohio Revised Code that constitutes a felony offense or any violation of section 2921.321 of the Ohio Revised Code that constitutes a felony offense.

E. "Humane society" has the same meanings as in section 935.01 of the Ohio Revised Code.

F. "Law enforcement officer" has the same meanings as in section 935.01 of the Ohio Revised Code.

G. "Pet store" has the same meaning as in section 956.01 of the Ohio Revised Code.

(Ordinance No. [O2016-0013](#), Enacted 1/24/2017, Effective 2/25/2017)

Section 1401.02: Registry Established

A. For purposes of the registry established under paragraph (B) of this section, an individual who has been convicted or pleaded guilty to felony animal cruelty in Cuyahoga County shall submit the following information to the Cuyahoga County Sheriff not later than thirty days after being convicted or pleading guilty to such violation:

1. The individual's name, address and date of birth;
2. The statutory violation to which the individual was convicted or pleaded guilty;
3. Any additional information that the Sheriff considers necessary.

B. The Cuyahoga County Sheriff, in coordination with the Clerk of Courts and the Chief Information Officer, shall establish and maintain a registry of individuals who have been convicted of or pleaded guilty to felony animal cruelty. The sheriff shall make the

registry available to local and state law enforcement agencies, animal shelters, humane societies, dog kennels, pet stores and animal rescue agencies through a searchable registry on the county's web site accessible to the public. The registry shall include all of the information submitted under paragraph (A) of this section as well as a photograph of the registrant.

(Ordinance No. [O2016-0013](#), Enacted 1/24/2017, Effective 2/25/2017)

Section 1401.03: Prohibition on Adoption

A. No person listed on the registry established in section 1401.02 shall adopt, purchase, or harbor a companion animal from any animal shelter, dog kennel, pet store, or other person, or act as custodian or caretaker of a companion animal within Cuyahoga County. Each month of non-compliance shall constitute a separate violation.

(Ordinance No. [O2016-0013](#), Enacted 1/24/2017, Effective 2/25/2017)

Section 1401.04: Penalty

A. Whoever violates section 1401.03 of this chapter shall pay a civil fine of \$500.00 dollars for each violation. Violations may be appealed to the Cuyahoga County Debarment Review Board established under Section 205.06 of this code. The Cuyahoga County Debarment Review Board may adopt rules of procedure to adjudicate any appeals described herein.

B. Fines collected pursuant to this section shall be used to cover reasonable and necessary expenses for enforcing the prohibition on adoption and the costs of maintaining the registry established in Section 1401.02.

(Ordinance No. [O2016-0013](#), Enacted 1/24/2017, Effective 2/25/2017)

Title 15: Anti-Discrimination

- [Chapter 1501: Unlawful Discrimination](#)

Chapter 1501: Unlawful Discrimination

Section 1501.01: Definitions

As used in this chapter of the Cuyahoga County Code:

- A. The prohibitions in this Title concerning “Age” mean individuals who are at least forty (40) years old.
- B. “Burial Lot” means any lot for the burial of deceased persons within any public burial ground or cemetery, including but not limited to, cemeteries owned and operated by companies or associations incorporated for cemetery purposes.
- C. “Commission” means the Human Rights Commission created by Section 206.13.
- D. “Complaint” means any petition or written statement under oath that alleges a violation of and/or discriminatory practice or act under this Title.
- E. “Complainant” means any person who claims to have suffered an injury under this Title.
- F. “Conciliation Agreement” means a written agreement resolving or otherwise disposing of issues raised by a Complaint through informal negotiations, and which is entered by the parties and the Commission or prior to an adjudicatory hearing.
- G. “Disability” means a physical or mental impairment that substantially limits one (1) or more major life activities, including the functions of caring for one’s self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working; a record of a physical or mental impairment; or being regarded as having a physical or mental impairment.
- H. “Physical or mental impairment” includes any of the following:
1. Any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one (1) or more of the following body systems: neurological; musculoskeletal; special sense organs; respiratory, including speech organs; cardiovascular; reproductive; digestive; genito-urinary; hemic and lymphatic; skin; and endocrine;
 2. Any mental or psychological disorder, including but not limited to an intellectual disability, organic brain syndrome, emotional or mental illness, and learning disabilities;
 3. Diseases and conditions, including, but not limited to, orthopedic, visual, speech, and hearing impairments, cerebral palsy, autism, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, human immunodeficiency virus infection, intellectual disability, emotional illness, drug addiction, and alcoholism.

I. "Substantially limits" means the ability of an individual to perform a major life activity as compared to most people in the general population. An impairment need not prevent, or significantly or severely restrict, the individual from performing a major life activity to be considered substantially limiting.

A determination of whether a physical or mental impairment substantially limits a major life activity should be made without regard to the ameliorative effects of mitigating measures, except ordinary eyeglasses and contact lenses.

An impairment that is episodic in nature or in remission is a disability if it would substantially limit a major life activity when active.

J. "Physical or mental impairment" does not include any of the following:

1. Pedophilia, exhibitionism, voyeurism, or any other sexual or behavioral disorders;
2. Compulsive gambling, kleptomania, or pyromania;
3. Psychoactive substance use disorders resulting from current illegal use of controlled substance and current use of alcoholic beverages.

K. "Discriminate and discrimination" includes the segregation, separation, maltreatment, ill-treatment, or any unfavorable difference in treatment based on race, color, religion, military status, national origin, disability, age, ancestry, familial status, sex, sexual orientation, gender identity or expression.

L. "Employee" means an individual employed by any employer and includes "independent worker and/or contractor," but does not include any individual employed in the domestic service of any person.

M. "Employer" means any person who employs four (4) or more persons, within the County of Cuyahoga.

N. "Employment Agency" means any persons regularly undertaking with or without compensation, to procure opportunities for employment or to procure, recruit, refer, or place employees.

O. The prohibitions in this Title concerning "Familial Status" means individuals who fit either of the following circumstances:

1. One (1) or more individuals who are under eighteen (18) years of age and who are domiciled with a parent or guardian having legal custody of the individual or domiciled, with the written permission of the parent or guardian having legal custody, with a designee of the parent or guardian;
2. Any person who is pregnant or in the process of securing legal custody of any individual who is under eighteen (18) years of age;

P. "Family" includes a single individual, civil unions, and same-sex or heterosexual-marriage based relationships.

Q. "Gender identity or expression" means an individual's actual or perceived gender-related identity, appearance, expression, mannerisms, or other gender-related characteristics, regardless of the individual's designated sex at birth.

R. "Housing accommodations" includes any building or structure or portion thereof, which is used or occupied or is intended, arranged, or designed to be used or occupied as a home residence, or sleeping place of one or more individuals, groups or families, whether living independently of each other; and any vacant land offered for sale or lease. It also includes any housing accommodations held or offered for sale or rent by a real estate broker, salesperson, or agent, or by any other person pursuant to authorization of the owner, by the owner, or by such person's legal representative.

S. "Labor organization" includes any organization that exists for the purpose, in whole or in part, of collective bargaining or other mutual aid or protection in relation to employment.

T. "Mediation" means an informal conference held by a neutral third party to help the parties resolve their disputes prior to a hearing on Complaint filed under this Title.

U. "Military Status" means any person who is engaged in the "service in the uniformed services, a member of "uniformed services" or veteran.

V. "Person" includes one (1) or more individuals, partnerships, associations, organizations, corporations, legal representatives, trustees, and trustees in bankruptcy, receivers, and other organized groups of persons. It also includes, but is not limited to, any owner, lessor, assignor, builder, manager, broker, salesperson, appraiser, agent, employee, and lending institutions.

W. "Place of public accommodation" means any hotel, motel, inn, restaurant, eating establishment, public swimming pool, public sports facility, public sports arena, theme park, amusement parks, museum, barbershop, public conveyance by air, land or water, movie theater, music arena, concert hall, performing arts venue, theater, store, or other place for the sale of merchandise to the public, or any other place of public accommodation or amusement where the accommodation advantages, facilities, or privileges thereof are available to the public.

X. "Respondent" means any person, business entity, organization or agency who is notified to defend or substantiate their alleged discriminatory actions or activities under this Title.

Y. "Restrictive covenant" means any specification in a contract, deed, land- contract, or lease limiting the transfer, rental, lease or other use of any housing accommodations because of race, color, religion, military status, national origin, disability, age, ancestry, familial status, sex, sexual orientation, or gender identity or expression or any limitation based upon affiliation with or approval by any person, directly or indirectly, employing race, color, religion, military status, national origin, disability, age, ancestry, familial status, sex, sexual orientation, or gender identity or expression as a condition of affiliation or approval.

Z. "Service in the Uniformed Services" means the performance of duty, on a voluntary or involuntary basis, in a uniformed service, under competent authority, and includes active duty, active duty for training, initial active duty for training, inactive duty for training, full-time national guard duty, reserve duty in uniform, and performance of duty or training by a member of the Ohio organized militia pursuant to Chapter 5923 of the Ohio Revised Code. "Service in the uniformed services" includes also the period of time for which a person is absent from a position of public or private employment for the purpose of an examination to determine the fitness of the person to perform any duty described in this division.

AA. The terms "because of sex" and "on the basis of sex" include, but are not limited to, because of or on the basis of pregnancy, any illness arising out of and occurring during the course of a pregnancy, childbirth, or related medical conditions, breastfeeding or pumping, or other sexual or reproductive health decisions. For the purposes of this Chapter, the term "sexual or reproductive health decisions" means decisions relating to the use or intended use of products or services for contraception, sterilization, fertility treatment, pregnancy or its termination, hormone therapy including that which alters gender expression or affirms gender identity, or medical treatments that affirm gender identity. Nothing in this division shall be construed to require an employer to provide health insurance benefits for sexual or reproductive health products or services.

AB. "Sexual orientation" means homosexuality, bisexuality, or heterosexuality.

AC. "Uniformed services" means the Armed Forces, the Ohio organized militia when engaged in active duty for training, inactive duty training, or full-time national guard duty, the commissioned corps of the public health service, and any other category of persons designated by the president of the United States in time of war or emergency.

AD. "Unlawful discriminatory practice" means any act prohibited under this Title.

AE. "Veteran" means any person who has completed service in the armed forces, including the national guard of any state, or a reserve component of the armed forces.

(Ordinance No. [O2022-0008D](#), Enacted 10/25/2022, Effective 11/30/2022; [O2018-0009](#), Enacted 9/25/2018, Effective 10/27/2018)

Section 1501.02: Prohibited Discriminatory Practices

A. Fair Housing.

1. It shall be an unlawful discriminatory practice for any person to:
 - a. Refuse to sell, transfer, assign, rent, lease, sublease, finance or otherwise deny, withhold, or discriminate against any person in housing accommodations

because of race, color, religion, military status, national origin, disability, ancestry, sex, familial status, sexual orientation, or gender identity or expression of any prospective owner, occupant, or user of such housing accommodations;

b. Represent to any person for a discriminatory purpose that housing accommodations are not available, or unavailable for inspection when in fact they are so available;

c. Refuse to lend money or extend credit, whether or not secured by mortgage or otherwise, for the rental, acquisition, construction, rehabilitation, repair, or maintenance of housing accommodations or otherwise withhold financing of housing accommodations from any person because of based on race, color, religion, military status, national origin, disability, ancestry, sex, familial status, sexual orientation, or gender identity or expression of any present or prospective owner, occupant, or user of such housing accommodations, provided such person, whether an individual, corporation, or association of any type, lends money as one of the principal aspects of their business or incidental to their principal business; but not as long as the lending is part of the purchase price of an owner-occupied residence who is selling their own residence or when such residence is sold by owner to a relative or friend;

d. Discriminate against any person in the terms or conditions of selling, transferring, assigning, renting, leasing or, subleasing any housing accommodations or in furnishing facilities, services, or privileges in connection with the ownership, occupancy or use of any housing accommodations, including the sale of fire, extended coverage, or homeowners insurance, because of race, color, religion, military status, national origin, disability, ancestry, sex, familial status, sexual orientation, or gender identity or expression of any present or prospective owner, occupant, or user of such housing accommodations;

e. Discriminate against any person in the terms or conditions of any loan of money or credit extension, whether or not secured by mortgage or otherwise, for the acquisition, construction, rehabilitation, repair, or maintenance of any housing accommodations because of race, color, religion, military status, national origin, disability, ancestry, sex, familial status, sexual orientation, or gender identity or expression of any present or prospective owner, occupant, or user of such housing accommodations;

f. Make, print, publish, or circulate any statement or advertisement relating to the sale, transfer, assignment, rental, lease, sublease, or acquisition of any housing accommodations or the loan of money or credit extension, whether or not secured by mortgage or otherwise, for the acquisition, construction, rehabilitation, repair, or maintenance of housing accommodations which indicates any preference, limitation, specification, or discrimination based upon race, color, religion, military status, national origin, disability, ancestry, sex, familial status, sexual orientation, or gender identity or expression, of any present or prospective

owner, occupant, or user of such housing accommodations;

g. Make any inquiry, elicit any information, or make or keep any record, or use any form of application containing questions or entries concerning race, color, religion, military status, national origin, disability, ancestry, sex, familial status, sexual orientation, or gender identity or expression, in connection with the sale, rent, or lease of any housing accommodations or the loan of any money or extension of credit, whether or not secured by a mortgage or otherwise, for the acquisition, construction, rehabilitation, repair or maintenance of housing accommodations;

h. Include in any contract, deed, land-contract, or lease of housing accommodations any restrictive covenant, or honor or exercise, or attempt to honor or exercise, any restrictive covenant, that would prohibit, restrict, or limit the sale, transfer, assignment, rental lease, sublease, or finance of housing accommodations to or for any person because of race, color, religion, military status, national origin, disability, ancestry, sex, familial status, sexual orientation, or gender identity or expression of any prospective owner, occupant, or user of such housing accommodations so long as in accordance with the law;

i. Induce or solicit, or attempt to induce or solicit, any housing accommodations listing, sale, rent, or transaction by representing that a change has occurred or may occur in the block, neighborhood, or area in which the housing accommodations are located, which change is related to the presence or anticipated presence of any persons based on race, color, religion, military status, national origin, disability, ancestry, sex, familial status, sexual orientation, or gender identity or expression;

j. Induce or solicit or attempt to induce or solicit, any housing accommodations listing, sale, rent, or transaction by representing that the presence or anticipated presence of persons of any race, color, religion, military status, national origin, disability, ancestry, sex, familial status, sexual orientation, or gender identity or expression in the area will or may negatively impact the property, including, but not limited to:

- i. The lowering of property values;
- ii. A refusal by current or prospective neighbors to live in the area;
- iii. An increase in criminal or antisocial behavior in the area; or
- iv. A decline in the quality of schools serving the area.

k. Discourage or attempt to discourage the purchase by prospective purchasers of any housing accommodations by representing that any block, neighborhood, or area has or might undergo a change based upon race, color, religion, military status, national origin, disability, ancestry, sex, familial status, sexual orientation, or gender identity or expression of the residents;

l. Deny any person access to or membership or participation in any multiple listing service, real estate, brokers' organization, or other service, organization, or facility relating to the business of selling or renting housing accommodations, or to discriminate against them in the terms of conditions of such access, membership, or participation, on account of race, color, religion, military status, national origin, disability, ancestry, sex, familial status, sexual orientation, or gender identity or expression;

m. Coerce, intimidate, threaten, or interfere with any person in the exercise or enjoyment of, or because of that person's having exercised or enjoyed, or on account of having aided or encouraged any other person in the exercise or enjoyment of, any right granted or protected by this section;

n. Whether or not acting under color of law, by force or threat of force willfully injure, intimidate or interfere with, or attempt to injure, intimidate, or interfere with:

i. Any person based on race, color, religion, military status, national origin, disability, ancestry, sex, familial status, sexual orientation, or gender identity or expression and because that person is or has been selling, purchasing, renting, financing, occupying or contracting or negotiating for the sale, purchase, rental, financing, or occupation of any dwelling, or applying for or participating in any service, organization, or facility relating to the business of selling or renting housing accommodations;

ii. Any person because that person is or has been, or to intimidate such person or any other person or any class of persons from:

a. Participating, without discrimination based on race, color, religion, military status, national origin, disability, ancestry, sex, familial status, sexual orientation, or gender identity or expression in any of the activities, services, organizations, or facilities described in this Section;

b. Affording another person or class of persons the opportunity or protection so to participate; or

c. Discouraging any person from lawfully aiding or encouraging other persons to participate, without discrimination on account of based on race, color, religion, military status, national origin, disability, ancestry, sex, familial status, sexual orientation, or gender identity or expression in any of the activities, services, organizations, or facilities described in division of this Section, or participating lawfully in speech or peaceful assembly opposing any denial of the opportunity to so participate.

o. Refuse to sell, transfer, assign, rent or lease, sublease, finance or otherwise deny or withhold a burial lot from any person because of race, color, religion, military status, national origin, disability, ancestry, sex, familial status, sexual orientation, or gender identity or expression of any prospective owner or user of such lot; or

p. For any person to discriminate in any manner against any other person because that person has opposed any unlawful discriminatory practice defined in this Title, or because that person has made a charge, testified, assisted, or participated in any manner, in any investigation, proceeding, or hearing under the provisions of this Title.

2. Exemptions:

a. Nothing in this Section shall bar any religious or denominational institution or organization, or any nonprofit charitable or educational organization that is operated, supervised, or controlled by or in connection with a religious organization, from limiting the sale, rental, or occupancy of housing accommodations that it owns or operates for other than a commercial purpose to persons of the same religion, or from giving preference in the sale, rental, or occupancy of such housing accommodations to persons of the same religion, unless membership in the religion is restricted on account of race, color, religion, military status, national origin, disability, ancestry, sex, familial status, sexual orientation, or gender identity or expression.

b. Nothing in this Section shall bar any bona fide private or fraternal organization that, incidental to its primary purpose, owns or operates lodgings for other than a commercial purpose, from limiting the rental or occupancy for the lodgings to its members or from giving preference to its members.

c. Nothing in this Section limits the applicability of any reasonable local, state, or federal restrictions regarding the maximum number of occupants permitted to occupy housing accommodations. Nothing in that division prohibits the owners or managers of housing accommodations from implementing reasonable occupancy standards based on the number and size of sleeping areas or bedrooms and the overall size of a dwelling unit, provided that the standards are not implemented to circumvent the purposes of this chapter and are formulated, implemented, and interpreted in a manner consistent with this chapter and any applicable local, state, or federal restrictions regarding the maximum number of occupants permitted to occupy housing accommodations.

d. Nothing in this Section requires that housing accommodations be made available to an individual whose tenancy would constitute a direct threat to the health or safety of other individuals or whose tenancy would result in substantial physical damage to the property of others.

e. Nothing in this Section pertaining to discrimination based on familial status shall be construed to apply to any of the following:

i. Housing accommodations provided under any state or federal program that have been determined under the "Fair Housing Amendments Act of 1988," 102 Stat. 1623, 42 U.S.C. 3607, as amended, to be specifically designed and operated to assist elderly persons;

- ii. Housing accommodations intended for and solely occupied by persons who are sixty-two years of age or older;
- iii. Housing accommodations intended and operated for occupancy by at least one person who is fifty-five years of age or older per unit, as determined under the "Fair Housing Amendments Act of 1988," 102 Stat. 1623, 42 U.S.C. 3607, as amended.

f. Nothing in Section shall be construed to require any person selling or renting property to modify the property in any way or to exercise a higher degree of care for a person with a disability, to relieve any person with a disability of any obligation generally imposed on all persons regardless of disability in a written lease, rental agreement, or contract of purchase or sale, or to forbid distinctions based on the inability to fulfill the terms and conditions, including financial obligations, of the lease, agreement, or contract.

g. The provisions of this Section relating to the rental of a dwelling shall not apply to the following:

- i. If the dwelling unit is inadequate, under applicable laws and ordinances relating to occupancy, to house all persons who intend to live there;
- ii. The refusal to rent to a person because the person is under the age of majority;
- iii. Solely with respect to age and familial status, to the restriction of the sale, rental or lease of housing accommodations exclusively to individuals 62 years of age or older and the spouse of any such individual, or for housing intended and operated for occupancy by at least one individual 55 years of age or older per unit;
- iv. To limit a landlord's right to establish and enforce legitimate business practices necessary to protect and manage the rental property, such as the use of references. Further, nothing in this section requires that a housing accommodation or multiple dwelling be made available to an individual whose tenancy would constitute a direct threat to the health or safety of their individuals or whose tenancy would result in substantial physical damage to the property of others. However, this subdivision shall not be used as a pretext for discrimination in violation of this Section.

B. Unlawful Employment Practices.

1. It shall be an unlawful discriminatory practice, except where based upon applicable national security regulations established by the United States:
 - a. For any employer, because of race, color, religion, military status, national origin, disability, age, ancestry, sex, sexual orientation, or gender identity or expression, to discharge without cause, to refuse to hire a person or otherwise to discriminate against any person with respect to hire, promotion, tenure, discharge, or any terms, conditions or privileges of employment, or any matter related to employment;

b. For any employer, employment agency, or labor organization to establish, announce or follow a policy discriminating against, denying, or limiting, the employment or membership opportunities of any person or group of persons because of race, color, religion, military status, national origin, disability, age, ancestry, sex, sexual orientation, or gender identity or expression;

c. For any employer, labor organization, or joint labor-management committee controlling apprentice training programs to discriminate against any person because of that person's race, color, religion, military status, national origin, disability, age, ancestry, sex, sexual orientation, or gender identity or expression in admission to employment in any program established to provide apprentice training;

d. For any employer, employment agency, or labor organization to publish or circulate, or to cause to be published or circulated, any notice or advertisement relating to employment or membership which indicates any preference, limitation, specification or discrimination based upon race, color, religion, military status, national origin, disability, age, ancestry, sex, sexual orientation, or gender identity or expression;

e. For any person seeking employment to publish or to cause to be published any advertisement which specifies or in any manner indicates that person's race, color, religion, military status, national origin, disability, age, ancestry, sex, sexual orientation, or gender identity or expression of any prospective employer;

f. For any employment agency to refuse or fail to accept, register, classify properly, or refer for employment or otherwise to discriminate against any person because of a person's race, color, religion, military status, national origin, disability, age, ancestry, sex, sexual orientation, or gender identity or expression;

g. For any employer, employment agency, or labor organization to utilize in the recruitment or hiring of persons, any employment agency, placement service, labor organization, training school or center, or any other employee-referring source, known to discriminate against persons because of race color, religion, military status, national origin, disability, age, ancestry, sex, sexual orientation, or gender identity or expression;

h. For any labor organization to discriminate against any person or limit that person's employment opportunities, or otherwise adversely affect that person's status as an employee, or that person's wages, hours, or employment conditions, because of race, color, religion, military status, national origin, disability, age, ancestry, sex, sexual orientation, gender identity or expression;

i. For an employment agency, to comply with, accommodate, or otherwise assist with locating an employee related to a request from an employer for referral of

applicants for employment if the request indicates that the employer fails, or may fail, to comply with this Title;

j. For any labor organization to limit or classify its membership based on race, color, religion, military status, national origin, disability, age, ancestry, sex, sexual orientation, or gender identity or expression;

k. Except where based on a bona fide occupational qualification, for any employer, employment agency or labor organization to:

i. Elicit or attempt to elicit any information concerning the race, color, religion, military status, national origin, disability, age, ancestry, sex, sexual orientation, or gender identity or expression of an applicant for employment or membership;

ii. Use any form of application for employment or personnel or membership blank seeking to elicit information regarding race, color, religion, military status, national origin, disability, age, ancestry, sex, sexual orientation, or gender identity or expression but an employer holding a contract containing a non-discrimination clause with the government of the United States or any department or agency thereof, may require an employee or applicant for employment to furnish documentary proof of United States citizenship and may retain such proof in the employer's personnel records and may use photographic or fingerprint identification for security purposes;

iii, Voluntary requests for demographic information by an employer to aid in Diversity and Inclusion efforts are not unlawful.

iv. For any employer, employment agency or labor organization to discriminate against any person because that person has opposed any practice forbidden by this Title, or because that person has made a complaint or assisted in any manner in any investigation or proceeding or hearing under this Title.

v. For any person to aid, incite, compel, coerce, or participate in the doing of any act declared to be an unlawful discriminatory practice by this Title, or to obstruct or prevent any person from enforcing or complying with the provisions of this Title, or to attempt to commit any act declared by this Title, to be an unlawful discriminatory practice by this Title, or to attempt to obstruct or prevent any person from enforcing or complying with the provisions of this chapter, or to attempt to commit any act declared by this Title, to be an unlawful discriminatory practice.

2. Exemptions. This section does not apply to a religious corporation, association, educational institution, or society with respect to the employment of an individual of a particular religion to perform work connected with the carrying on by that religious corporation, association, educational institution, or society of religious activities.

C. Unlawful Discrimination in a Place of Public Accommodations.

1. It shall be an unlawful discriminatory practice:
 - a. For any proprietor or any employee, agent, keeper, or manager of a place of public accommodation to deny, discriminate against, or treat differently any person except for reasons applicable alike to all persons regardless of race, color, religion, military status, national origin, disability, age, ancestry, sex, sexual orientation, or gender identity or expression the full enjoyment of the accommodations, advantages, facilities, or privileges of a place of public accommodation;
 - b. For any person to knowingly aid, incite, compel, coerce, or participate in the doing of any act declared to be an unlawful discriminatory practice under this Section.

D. False Complaints

No person shall knowingly file a complaint including false or fraudulent information, submitted in bad faith with the intent to defame or to cause other reputational or material harm to an individual or organization. A determination or finding by the Commission that a complaint is unsubstantiated is, alone, insufficient to prove the existence of a false complaint. Upon a finding by the Commission that a Complainant has filed a false complaint, the Commission may impose a civil penalty on the Complainant as provided in Section 1501.05.

E. Diversity and Inclusion Efforts

1. Unless otherwise prohibited by law, nothing contained in this Title shall be construed to prohibit diversity and inclusion efforts and promotional activities and practices designed primarily to encourage participation by members of any historically marginalized protected group, in furtherance of the purposes of this Title.
2. It shall not be an unlawful discriminatory practice for any person to carry out an affirmative action plan. An affirmative action plan is any plan devised to effectuate remedial or corrective action taken in response to past discriminatory practices against a historically marginalized group, or as otherwise required by state or federal law.

(Ordinance No. [O2022-0008D](#), Enacted 10/25/2022, Effective 11/30/2022; [O2018-0009](#), Enacted 9/25/2018, Effective 10/27/2018)

Section 1501.03: Complaint and Enforcement Procedure

A. Complaints.

1. Whenever it is alleged in writing and under oath, by a person, referred to as the "Complainant", that any person, employer, employment agency, and/or labor

organization referred to as the "Respondent", has engaged or is engaging in any unlawful discriminatory practice or act as defined in Section 1501.02 of this Title, the Commission or its authorized designee must determine immediately, no later than five (5) business days of receipt of the Complaint, whether a Complaint of discrimination alleges a violation based on race, color, religion, military status, national origin, disability, age, ancestry, familial status, sex, sexual orientation, or gender identity or expression.

2. If the Complaint alleges a violation based on race, color, religion, military status, national origin, disability, age, ancestry, or sex, or familial status, the Complainant shall immediately be instructed to file a charge of discrimination, if he or she chooses, with the Ohio Civil Rights Commission (OCRC) and either the U.S. Department of Housing and Urban Development's Office of Fair Housing and Equal Opportunity (FHEO) or the Equal Employment Opportunity Commission (EEOC):
 - a. The Commission shall provide the Complainant with information about this requirement and the contact information for the OCRC, FHEO, and EEOC.
 - b. The Complainant shall be notified no later than five (5) business days via Certified Mail of the Commission's decision declining jurisdiction to investigate and hear the Complaint.
3. Complaints of discrimination alleging a violation of this Title based on sexual orientation or gender identity or expression, along with an allegation of race, color, religion, military status, national origin, disability, age, ancestry, familial status, or sex discrimination (a "hybrid complaint") may be subject to deferral to the OCRC/FHEO/EEOC as set forth in this section.
 - a. The Commission shall notify a Complainant of the potential additional rights and remedies available by filing a hybrid charge with OCRC/FHEO/EEOC, and that by failing to file with state and federal authorities the Complainant may forego their right to do so in the future. Such notification shall be in writing and by Certified Mail within five (5) business days via Certified mail of the Commission's decision to refer the Complaint to OCRC/FHEO/EEOC.
 - b. In the event a Complainant declines, in writing, to file a charge with OCRC/FHEO/EEOC, the Commission may adjudicate the complaint in accordance with this Chapter. In the event a Complainant elects to file a charge with OCRC/FHEO/EEOC, the Commission shall not hear the hybrid complaint while the matter remains pending at the state or federal level unless and until such complaint, in its entirety, reaches a final disposition; provided, however, nothing in this paragraph prohibits a Complainant from filing a separate complaint as provided in paragraph (A)(4) of this Section.
4. Complaints of discrimination alleging a violation of this Title based exclusively on sexual orientation and/or gender identity or expression shall be adjudicated by the Commission in accordance with this Chapter without deferral of the complaint to OCRC/FHEO/EEOC unless and until state or federal law is revised to grant OCRC/FHEO/EEOC jurisdiction to adjudicate allegations of discrimination on the

basis of sexual orientation and/or gender identity or expression, at which time such complaints may be subject to deferral. If the OCRC/FHEO/EEOC dismisses a charge of discrimination timely filed under this Title based on sexual orientation, gender identity or expression, or any other protected category specified in this Title for lack of jurisdiction, the Complainant may, within thirty (30) days of such dismissal, request the charge to proceed under this Title. Upon the request, the Commission shall handle the case in accordance with this Title.

B. Deadline for Filing. A Complaint alleging discrimination under Section 1501.02(A) of this Title shall be filed with the Commission within three hundred and thirty (330) days after the alleged unlawful discriminatory practices or acts are committed. A Complaint alleging discrimination under any other Section of this Title shall be filed with the Commission within one hundred and fifty (150) days after the alleged unlawful discriminatory practices or acts are committed. The Complaint shall be filed upon oath and affirmation and shall contain such information, including the date, place and circumstances of the alleged discriminatory practice or act.

The Commission through its designee shall serve notice upon the Complainant acknowledging such filing and advising the Complainant of the time limits provided herein.

C. Respondent.

1. Within fourteen (14) days of the filing of the Complaint, the Commission or its designee shall serve a copy of the Complaint and a written notice upon the Respondent identifying the alleged discriminatory practices and setting forth the rights and obligations of the parties. Such service shall be by certified mail return receipt requested.
2. A person who is not named as a Respondent in a Complaint, but who is identified as a Respondent in the course of an investigation, may be joined as an additional or substitute respondent upon written notice to such person from the Commission. Notice shall be served upon such additional or substitute respondent(s) within ten (10) days of such joinder or substitution and shall explain the basis for the Commission's belief that the person to whom the notice is addressed is properly joined as a respondent.
3. The Respondent may file an answer or response to the Complaint, no later than thirty (30) days after service of the Complaint.
4. Respondent's response or answer shall be served by the Commission upon the Complainant within 7 days of receipt by the Commission.

D. Conciliation/Mediation. The Executive Director shall notify the Complainant and Respondent of the option of voluntary mediation to resolve the Complaint. The Executive Director or designee shall endeavor to eliminate such practices by methods of conference, conciliation, and mediation, to the extent feasible.

1. The Executive Director may designate an outside mediator for attempting conciliation or mediation.
2. Nothing said or done in the course of conciliation/mediation shall be disclosed to or be used as evidence in any subsequent proceeding or civil action.
3. Conciliation/Mediation shall be completed within 60 days of the filing of the Complaint and shall toll or suspend all other dates and deadlines under this Title. If conciliation/mediation fails, a final decision upon the Human Rights Complaint by the Commission shall be issued on the complaint within 90 days.
4. A conciliation agreement arising out of such conciliation or mediation shall be reduced to a written agreement executed by the Respondent and Complainant. This agreement shall be subject to the approval of the Commission.
5. The Commission may impose civil penalties for a violation or breach of a conciliation agreement.

E. Dismissal of Complaint. The Commission upon concluding that the Complaint is meritless, or for Complainant's failure to prosecute, may dismiss a complaint at any time. Such dismissal shall constitute a final appealable order. The Commission shall promptly serve notice upon the Complainant, Respondent, and any necessary party of any dismissal pursuant to this section.

(Ordinance No. [O2022-0008D](#), Enacted 10/25/2022, Effective 11/30/2022; [O2018-0009](#), Enacted 9/25/2018, Effective 10/27/2018)

Section 1501.04: Commission Hearings

A. Notice and Conduct of Hearing. The Commission shall cause to be served upon the Respondent and Complainant by certified mail a notice notifying the Respondent and Complainant of a hearing before the Commission at a time and place therein fixed to be held 30 days after the service of such notice and stating the allegations specified in the Complaint made against the Respondent. The Commission may consider requests for continuances for good cause.

B. De Novo Hearing. Commission hearings shall be scheduled within 90 days from the date of receipt of the Complaint, unless it is impracticable to do so. If the Commission is not able to commence the hearing within 90 days after the filing of the Complaint, the Commission shall notify the Complainant and Respondent in writing of the reasons for not doing so.

C. De Novo Standard of Review and Preponderance of the Evidence Burden of Proof. The Commission shall employ a *de novo* standard of review in its review and consideration of all evidence and testimony submitted at the hearing. The Complainant bears the burden to demonstrate by preponderance of the evidence a violation under this Title.

1. The parties shall appear at the hearing and present testimony and evidence or otherwise to examine and cross-examine testimony and evidence.

2. In the course of the hearing, the Commission may examine witnesses, administer oaths, take testimony of any person under oath, and receive evidence.
3. **Subpoena power.** The Commission shall have the power to issue subpoenas enforceable by injunction by the party requesting same or by the County itself, in a court of competent jurisdiction, to compel the attendance of witnesses and require the production by them of books, papers, documents and other materials relevant to any case under consideration. Subpoenas may be served by certified mail, by private process server designated by the hearing authority or by anyone who could lawfully serve said subpoena in a judicial proceeding of a civil nature.
4. In any proceeding, the Commission shall not be bound by the rules of evidence prevailing in the courts of law or equity, but shall, in ascertaining the practices followed by the Respondent, take into account all reliable, relevant, probative, and substantial evidence, statistical data, or otherwise, produced at the hearing, which may tend to prove the existence of a predetermined pattern of discriminatory practice or act; provided, that nothing contained in this section shall be construed to authorize or require any person to observe the proportion which persons of race, color, religion, military status, national origin, disability, age, ancestry, sex, sexual orientation, or gender identity or expression bear to the total population or in accordance with any criterion other than the individual qualifications of the applicant.

D. Final Decision and Order.

1. If upon all the reliable, probative, and substantial evidence, the Commission determines that by the preponderance of the evidence that the Respondent has engaged in, or is engaging in, any unlawful discriminatory practice or act as set forth in this Title against the Complainant or others, the Commission shall issue a written decision and state findings of fact and conclusions of law, and shall issue and cause to be served on such Complainant and Respondent via certified mail an order requiring the Respondent to cease and desist from such unlawful discriminatory practice or act, and to take such further affirmative or other action as will effectuate the purposes of this Title, including any penalties set forth herein.
2. If the Commission finds that no reliable, probative and substantial evidence exists for crediting the allegations, or, if upon all the evidence, the Commission finds that a Respondent has not engaged in any unlawful discriminatory practice or act against the Complainant or others, the Commission shall state findings of fact and conclusions of law, and shall issue and cause to be served on the Complainant and Respondent via certified mail an order dismissing said complaint as to such Respondent.
3. The Commission shall issue a decision within 30 days after the hearing, unless it is impractical to do so. The Commission shall notify the Complainant and Respondent in writing of the reasons for not doing so.
4. The decision of the Commission shall be issued and served upon the parties via certified mail.

(Ordinance No. [O2018-0009](#), Enacted 9/25/2018, Effective 10/27/2018)

Section 1501.05: Violation and Remedy

A. Notice of Violation and Order to Cease and Desist: If upon all the evidence presented, the Commission determines that the Respondent has engaged in, or is engaging in, any unlawful discriminatory practice or act under this Title, whether against the Complainant or others, the Commission shall issue a notice of violation, and shall issue an order to Respondent to cease and desist the unlawful discriminatory practice. This notice will constitute a Final Administrative Decision.

B. Civil Administrative Penalty: Upon the issuance of an order that a Respondent has engaged in, or is engaging in, an unlawful discriminatory practice or act as set forth in this Title, or that a Complainant has filed a false complaint, the Commission may impose the following civil penalty:

1. Up to \$1,000 for a first offense in the five years preceding the filing of the charge;
2. Up to \$2,500 for a second offense in the five years preceding the charge.
3. Up to \$5,000 for a third or subsequent offense in the five years preceding the charge.
4. The civil administrative penalty shall be due at least 30 days after the issuance of the Commission's final decision. The filing of an appeal shall suspend the imposition of any fine. In the event of an appeal, the civil administrative penalty shall be due 30 days after all unsuccessful appeals or after exhaustion of all appeals.
5. All penalties collected shall be deposited in a separate fund to defray costs and enforcement of this Title, and to support the County's efforts in eradicating discrimination.

C. Reasonable Attorneys' Fees. If the Commission finds the Respondent has violated this Title, the Commission may, in addition to injunctive relief and/or civil penalty, award reasonable attorneys' fees and costs to the Complainant.

D. Failure to Comply with Lawful Order/Enforcement. The Commission is authorized to institute in the name of the County of Cuyahoga any appropriate civil enforcement proceedings.

In the event the respondent refuses or fails to comply with the Commission's decision or violates any of the provisions of this Title, the Commission may certify the case and the entire record to the to an appropriate court and seek enforcement or compliance with the Final Administrative Decision.

If an appeal has been taken by the Respondent, the Commission may move to consolidate the appeal and enforcement proceedings.

(Ordinance No. [O2018-0009](#), Enacted 9/25/2018, Effective 10/27/2018)

Section 1501.06: Appeal to the Court of Common Pleas

A. Any party to the proceeding, claiming to be aggrieved by a final decision of the Commission, may obtain judicial review. Such decision may be appealed within 30 days to the Cuyahoga Court of Common Pleas consistent with the provisions of Chapters 2505 and 2506 of the Ohio Revised Code.

1. Transmission of Record upon Appeal to Common Pleas Court. The Executive Director shall, upon the written request of a party, furnish copies of the record and such other documents in the Commission's possession that may be required in judicial proceedings related to a ruling by the Commission. The cost of the written transcription and the cost of transmission to the Court of Common Pleas shall be borne by the Appellant, unless otherwise determined to be indigent by the Commission. Upon determination of indigence, the cost of transcription is to be borne by the Commission, but such cost shall be subject to all necessary budget appropriation.

(Ordinance No. [O2018-0009](#), Enacted 9/25/2018, Effective 10/27/2018)

Section 1501.07: Severability

This Title and each article and section thereunder, are hereby declared to be independent divisions and sub-divisions and, notwithstanding any other evidence of legislative intent, it is hereby declared to be the controlling legislative intent that if any provisions of said divisions, or the application thereof to any person or circumstance is held to be invalid, the invalidity shall not affect other divisions or sub-divisions, and it is hereby declared that such divisions and sub-divisions would have been passed independently of such division or sub-division so known to be invalid.

(Ordinance No. [O2018-0009](#), Enacted 9/25/2018, Effective 10/27/2018)