

County Council of Cuyahoga County, Ohio

Ordinance No. O2011-0010

Sponsored by: County Executive FitzGerald	An Ordinance establishing the Department of Public Works and placing the duties and responsibilities of the Central Services operation of the County under the direction of the Department of Public Works, and declaring the necessity that this Ordinance become immediately effective.
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WHEREAS, Section 3.09(2) of the Charter grants Council the power to establish departments, and divisions and sections within departments, under the supervision of the County Executive, and such boards, agencies, commissions, and authorities, in addition to or as part of those provided for in the Charter, as the Council determines to be necessary for the efficient administration of the County; and,

WHEREAS, Section 5.05 of the Charter states, in pertinent part, that the Director of Public Works “shall also have such powers and duties as shall be established by ordinance that are not inconsistent with those provided by general law.”

WHEREAS, Neither Section 5.05 nor any other Charter provision explicitly creates a “Department of Public Works;” although the existence of the department was clearly contemplated; and,

WHEREAS, The Council of Cuyahoga County has determined that establishment of the Department of Public Works and adding the duties of the Central Services operation of the County to the Department of Public Works is necessary for the efficient administration of the County and that these duties are consistent with the duties of a Department of Public Works as such duties are provided for by general law.

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

SECTION 1. 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.

SECTION 2. 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 a future ordinance. Pursuant to Section 3.09(2) of the Charter,

Council shall establish, with input provided by the County Executive and the Director of Public Works, such divisions and sections within the Department of Public Works as Council determines to be necessary for the efficient administration of the County within 90 days following the passage of this ordinance.

SECTION 3. Nothing in this ordinance 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.

SECTION 4. It is necessary that this Ordinance become immediately effective in order to continue the usual and daily operation of the County. Provided that this Ordinance receives the affirmative vote of eight members elected to Council, this Ordinance shall become immediately effective upon the signature of the County Executive.

SECTION 5. It is found and determined that all formal actions of this Council relating to the adoption of this Ordinance were adopted in an open meeting of the Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

On a motion by Mr. Schron, seconded by Mr. Rogers, the foregoing Ordinance was duly enacted.

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

Nays: None

County Council President

Date

County Executive

Date

Clerk of Council

Date