

County Council of Cuyahoga County, Ohio

Ordinance No. O2011-0016

Sponsored by: Simon, Connally, Jones, Germana, Schron, Rogers, Conwell, Greenspan, Miller, Brady and Gallagher	An Ordinance establishing the Department of Law and the powers and duties of the Director of Law, and declaring the necessity that this Ordinance become immediately effective.
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WHEREAS, Article V, entitled “Appointed Officers,” specifically enumerates a set of officers of the County who are appointed by the County Executive, subject to confirmation by Council, and who serve at the pleasure of the County Executive;

WHEREAS, Section 5.06 of the Charter of Cuyahoga County mandates that the Director of Law shall serve as the legal advisor to and representative of the County Executive and County Council;

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;

WHEREAS, The Council of Cuyahoga County has determined that the creation of a Department of Law is necessary for the efficient administration of the County;

WHEREAS, Section 3.09(5) of the Charter of Cuyahoga County grants Council the power to adopt and amend the County’s annual tax budget, operating budget and capital improvements program to make appropriations for the County; and

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

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

SECTION 1. The Cuyahoga County Department of Law.

(a) There is hereby established the Department of Law for Cuyahoga County, to be officially called “The Cuyahoga County Department of Law.”

(b) 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.

(c) 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."

(d) 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.

(e) 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 Ordinance or any other ordinance or resolution 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.

(f) 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.

(g) Pursuant to Section 3.09(2) of the Cuyahoga County Charter, Council shall establish, with input from the County Executive and the Director of Law, such divisions and sections within the Department of Law as Council determines to be necessary for the efficient administration of the County within 90 days following the passage of this Ordinance.

SECTION 2. Department of Law's Budget.

(a) 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.

(b) 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.

SECTION 3. Necessity. It is necessary that this Ordinance become immediately effective in order that critical services being provided by Cuyahoga County can continue without interruption, and to continue the usual daily operation of the County. Provided

that this Ordinance receives the affirmative vote of eight members of Council, this Ordinance shall become immediately effective upon the signature of the County Executive.

SECTION 4. Open Meetings. 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 Ms. Simon, seconded by Mr. Miller, the foregoing Ordinance was duly enacted.

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

Nays: None

County Council President

Date

County Executive

Date

Clerk of Council

Date

First Reading/Amended on the Floor/Referred to Committee: March 1, 2011
Committee(s) Assigned: Justice Affairs

Committee Report/Second Reading/Referred to Committee: April 5, 2011
Committee(s) Assigned: Justice Affairs

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