

# County Council of Cuyahoga County, Ohio

## Ordinance No. O2011-0052

Sponsored by: <b>Councilmember Greenspan</b>	<b>An Ordinance</b> amending the Cuyahoga County Code of Ethics, as amended, and declaring the necessity that this Ordinance become immediately effective.
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WHEREAS, the Cuyahoga County Council enacted a permanent Code of Ethics in Ordinance No. O2011-0008, which was signed by the Cuyahoga County Executive and went into effect on April 8, 2011, and was amended by Ordinance No. O2011-0023 effective April 26, 2011 and by Ordinance No. O2011-0035 effective July 26, 2011; and,

WHEREAS, it is necessary to amend the Code of Ethics to create certain exemptions from various provisions of the Code; and,

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

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

**SECTION 1.** Sections 1, 34, and 37 of Article VII of the Cuyahoga County Code of Ethics, adopted as Ordinance No. O2011-0008, effective April 8, 2011, as amended by Ordinance No. O2011-0023 on April 26, 2011 and by Ordinance No. O2011-0035 on July 26, 2011, are hereby amended to read as follows (additions are bolded, deletions are stricken out):

#### *Section 1. Definitions*

(Omitted language from Section 1 not amended)

**Contractor.** A person or an entity – including but not limited to service providers, vendors, **and** consultants ~~and their subcontractors~~ – that provides goods or services to the County under terms specified in a binding, officially approved agreement.

#### *Section 34. Contractors Registration and Reporting*

(A) *Registry.* Effective January 1, 2012 all contractors doing or seeking to do business with the County must be registered with the Inspector General. The registration form shall include but not be limited to: the contractor's corporate name,

Federal Tax Identification Number, address, type of business and names of the contractor's principals and contracts with the County during the past four years. Registration shall be valid for twelve months. As necessary, the Inspector General may choose to require additional information.

(B) *Signed Ethics Statement and Training.* Contractors shall also sign an ethics statement indicating they have read, understood and agreed to follow the pertinent sections of this Ordinance and attend Ethics Training within 15 days of approval from the Inspector General.

(C) *First-time Awards.* Effective January 1, 2012 registration and the signed ethics statement shall be pre-conditions for the signing of any first-time contract with the County. Effective January 1, 2012, contractors must also be registered with the Inspector General before they submit competitive bids.

(D) *Penalties.* Contractors who fail to comply with provisions a, b, or c, shall be prohibited from entering into any contracts with the County until they are in compliance. Contractors who are found to be in violation of this Ordinance shall be removed from the registry and be prohibited from entering into contracts with the County for a period determined by the Inspector General, along with such other penalty(ies) as the Inspector General may deem appropriate.

(E) *Authorization.* Effective January 1, 2012, no Contractor shall engage in any contracting activity until the registration process has been completed and approved by the Inspector General.

(F) *Registration Date.* All Contractors must register with the Inspector General annually on or before December 31 for the subsequent year to which they wish to engage in contracting activities. First time registration may take place at any time during the calendar year for the year in which contracting activity is to take place.

(G) *Term.* Contractor registrations shall expire on December 31 for the respective registration year.

(H) *Transparency.* **Unless disclosure is otherwise prohibited by law,** the Inspector General shall make all registrations available for public inspection and shall publish an active Contractor Registration List on the County website.

(I) *Registry Application Fee:* \$100.00.

(J) *Implementation Date.* Contractors entering into contracts with the County on or after the effective date of this Ordinance must comply with the requirements of this Section beginning January 1, 2012.

**(K) Exemptions.** With the exception of the ethics statement provision in Subsection (B), the provisions of this Section shall not apply to the following Contractors:

- (i) Other political subdivisions or governmental entities/agencies;**
- (ii) Persons or entities that receive either direct payments or reimbursement from the County for 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;**
- (iii) Persons or entities that receive County funds through a County-sponsored rebate program, including, but not limited to, the County Storefront Renovation Rebate Program; and**
- (iv) Court reporters or expert witnesses in connection with civil litigation or criminal prosecution.**

*Section 37. Exemptions*

**(A) The Inspector General, with approval of the County Board of Control, may grant exemptions from the requirements of Sections 32 and 34 of Article VII of this Ordinance.**

**(B) Requests for exemptions may be submitted to the Inspector General. In addition, the Inspector General may request an exemption upon his or her own initiative. Any request for exemption approved by the Inspector General shall then be submitted to the Board of Control for approval. An exemption is only granted upon approval of the Inspector General and the Board of Control. Should either the Inspector General or the Board of Control deny an exemption request, the aggrieved party may appeal the decision to the full County Council.**

**(C) The Inspector General shall post all exemptions granted under this Section on his or her website.**

**SECTION 2.** 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 3.** It is found and determined that all formal actions of this Council relating to the adoption of this Ordinance were adopted in an open meeting of the Council, and that all deliberations of this Council and of any of its committees that 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. Greenspan, seconded by Mr. Schron, the foregoing Ordinance was duly enacted.

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

Nays: None

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County Council President                      Date

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County Executive                                      Date

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Clerk of Council                                      Date

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