

# County Council of Cuyahoga County, Ohio

## Ordinance No. O2011-0053

Sponsored by: <b>Councilmembers Brady, Gallagher, Miller, Connally, Germana, Rogers, Jones, Simon and Conwell and County Executive FitzGerald</b>	<b>An Ordinance</b> establishing a Department of Consumer Affairs and the powers and duties of the Director of Consumer Affairs and placing the duties and responsibilities of the operation of Weights and Measures of the County under the direction of the Department of Consumer Affairs.
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WHEREAS, Section 3.09(2) of the Charter of Cuyahoga County 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 7.01 of the Charter of Cuyahoga County declares that the County shall have as a primary responsibility the promotion and enhancement of the economic well-being and prosperity of the County and all of its residents; and,

WHEREAS, Section 5.02 of the Charter of Cuyahoga County declares that “[t]he Fiscal Officer shall exercise all powers and perform all duties now or hereafter vested in or imposed by general law upon county auditors;” and,

WHEREAS, Section 319.55 of the Ohio Revised Code states that the County Auditor “shall see that all state laws relating to weights and measures are strictly enforced throughout his county, and shall assist generally in the prosecution of all violations of such laws;” and,

WHEREAS, Sections 1327.50 and 1327.52 of the Ohio Revised Code together declare that “[a]ny weights and measures official elected or appointed for a county” shall determine whether packaged commodities are “sold in accordance with sections 1327.46 to 1327.61 of the Revised Code or rules adopted under those sections;” and,

WHEREAS, Sections 1327.53 and 1327.54 of the Ohio Revised Code prohibit deceptive selling or buying practices and the misrepresentation of the price of a commodity or service; and,

WHEREAS, the Council of Cuyahoga County has determined that the creation of a County Department of Consumer Affairs is necessary for the economic well-being and prosperity of the residents of Cuyahoga County; and,

WHEREAS, the Council of Cuyahoga County has determined that the creation of a County Department of Consumer Affairs and placing Weights and Measures operation in the Department of Consumer Affairs is necessary for the efficient administration of the County; and,

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.

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

**SECTION 1.** The Cuyahoga County Department of Consumer Affairs

- (a) There is hereby established the Department of Consumer Affairs for Cuyahoga County under the supervision of the County Executive and the Fiscal Officer.
- (b) The official title of the department established in this section shall be the "Cuyahoga County Department of Consumer Affairs."
- (c) 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.
- (d) The Department of Consumer Affairs shall consist of the following divisions:
  - (1) Weights and Measures, and (2) Consumer Protection.
- (e) 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.
- (f) The functions, employees, duties and responsibilities of the former Department of Weights and Measures are hereby incorporated into the Department of Consumer Affairs.
- (g) The duties and responsibilities of the Division of Consumer Protection shall include:
  - (1) Promoting consumer/financial literacy and asset building in Cuyahoga County;
  - (2) Investigating alleged violations of laws relating to Weights and Measures as provided by the Ohio Revised Code, and referring such violations to the

Cuyahoga County Prosecutor, Ohio Attorney General, or other agencies if appropriate.

(3) Educating consumers and businesses about laws related to consumer protection;

(4) Mediating disputes between consumers and businesses related to consumer protection complaints;

(5) Collaborating with businesses, non-profit organizations and government agencies on programs related to consumer affairs issues;

(6) Advising, when requested, the County Executive and the County Council on policies and programs related to consumer protection;

(7) Such other duties and responsibilities as provided by Ordinance of Cuyahoga County.

**SECTION 2.** The Director of Consumer Affairs

(a) 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.

(b) 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.

**SECTION 3.** It is found and determined that all formal actions of this Council relating to the adoption of this Resolution 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.

