

# County Council of Cuyahoga County, Ohio

## Ordinance No. O2013-0014

Sponsored by: <b>County Executive FitzGerald/Department of Law</b>	<b>An Ordinance</b> establishing a required oath of office or affirmation for County officers, directors and other employees; setting the bonds for County officers, directors, employees and officials; and declaring the necessity that this Ordinance become immediately effective.
--	--

WHEREAS, Section 3.09(6) of the Cuyahoga County Charter empowers the County Council to “determine which officers and employees shall give bond and to fix the amount and form thereof”;

WHEREAS, Council has determined it necessary to determine which officers and employees of the County shall give bond and to fix the amount and form thereof;

WHEREAS, Council has determined that it is also necessary to determine which officers, employees, and other persons should be required to give an oath of office or affirmation upon entering their positions with the County; and

WHEREAS, it is necessary that this Ordinance become immediately effective in order that critical services provided by Cuyahoga County can commence and continue on behalf of the various municipalities within the County’s jurisdiction.

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

**SECTION 1.** Chapter 107 of the Cuyahoga County Code, which was enacted in Ordinance O2011-0001, is hereby amended and replaced to read as follows:

### **CHAPTER 107: Oaths of Office, Affirmations and Bonds**

#### **Section 107.01: Required Oath or Affirmation**

##### **A. Persons Required to Take an Oath or Affirmation**

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:

1. The Executive;

2. Council Members and Clerk of Council;
3. All County Officers under the County Charter;
4. All Directors of Departments established by the County Charter or pursuant to the Cuyahoga County Code;
5. Members of the Human Resource Commission; Council Districting Commission; and Charter Review Commission;
6. The Internal Auditor;
7. The Inspector General;
8. All Employees of the Department of Law, Department of Internal Auditing, and Agency of Inspector General;
9. Employees authorized by the County Sheriff to carry firearms or other weapons;
10. Employees in any County department, office, board, commission, or any other authority of the County whose duties involve the handling of money belonging to the County, as determined by the Department of Law, Division of Risk Management. The Department of Law shall submit the initial list required herein to the Department of Human Resources and Clerk of Council no later than September 3, 2013.
11. Any person serving in an interim or acting capacity in any of the positions listed in Section 107.01(A) of the Cuyahoga County Code.

**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, or by any notary public authorized to administer oaths in the State of Ohio.

**D. Prospective Application**

Any person required to take an oath or affirmation under Chapter 107 of the Cuyahoga County Code who has not taken an oath or affirmation upon assuming their respective positions shall take the oath or affirmation required under this Chapter and have it submitted to the Clerk of Council no later than December 31, 2013.

**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.

**Section 107.03:** 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.

**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.

**SECTION 2.** It is necessary that this Ordinance become immediately effective for the usual daily operation of the County and the reasons set forth in the preamble. Provided that this Ordinance receives the affirmative vote of at least eight members of Council, it shall take effect and be in force immediately upon the earliest occurrence of any of the following: (1) its approval by the County Executive through

signature, (2) the expiration of the time during which it may be disapproved by the County Executive under Section 3.10(6) of the Cuyahoga County Charter, or (3) its passage by at least eight members of Council after disapproval pursuant to Section 3.10(7) of the Cuyahoga County Charter. Otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

**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. Schron, seconded by Mr. Greenspan, the foregoing Ordinance was duly enacted.

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

Nays: None

_____	_____
County Council President	Date
_____	_____
County Executive	Date
_____	_____
Clerk of Council	Date

First Reading/Referred to Committee: June 11, 2013

Committee(s) Assigned: Council Operations & Intergovernmental Relations

Committee Report/Second Reading: June 25, 2013

Legislation Substituted on the Floor: June 25, 2013

Journal CC011  
July 9, 2013