

County Council of Cuyahoga County, Ohio

Ordinance No. O2014-0019

Sponsored by: County Executive FitzGerald/County Sheriff	An Ordinance enacting Chapter 716 of the Cuyahoga County Code to establish procedures for setting the fee structure for Sheriff's Department background check services, and declaring the necessity that this Ordinance become immediately effective.
Co-sponsored by: Councilmember Germana	

WHEREAS, the Sheriff's Department performs background check services for the general public upon request.

WHEREAS, the Bureau of Criminal Investigation ("BCI") and the Federal Bureau of Investigation ("FBI") assess fees for performing background check services to the Sheriff's Department.

WHEREAS, the Sheriff's Department expends personnel hours and uses County equipment and material to perform background check services.

WHEREAS, it is necessary that this Ordinance become immediately effective in order that critical services provided by Cuyahoga County can continue.

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

SECTION 1. Chapter 716 of the Cuyahoga County Code is hereby enacted to read as follows:

Chapter 716: Background Check Service Fees (General Public)

Section 716.01: Establishment of Fees for Fingerprints and Web Checks

The Sheriff's Department shall collect and deposit fees for concealed handgun licenses in accordance with the Ohio Revised Code. For all other fingerprint and background check services, the Sheriff's Department shall establish the fees. The fees established by the Sheriff's Department may include the following:

- (A) The costs assessed to the Sheriff's Department by the Bureau of Criminal Investigation and the Federal Bureau of Investigation to perform the checks; and

- (B) The costs incurred by the Sheriff's Department in performing these services, including personnel and technology costs.

Section 716.02 Posting of Fees on Web Site

The Sheriff's Department shall post the most up-to-date fees to conduct background check services on its web site.

SECTION 2. It is necessary that this Ordinance become immediately effective for the usual daily operation of the County; the preservation of public peace, health or safety of the County; and any additional 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 actions 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. Germana, seconded by Mr. Gallagher, the foregoing Ordinance was duly enacted.

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

Nays: None

County Council President

Date

County Executive

Date

Clerk of Council

Date

First Reading/Referred to Committee: June 24, 2014
Committee(s) Assigned: Public Safety & Justice Affairs

Additional Sponsorship Requested: July 8, 2014

Committee Report/Second Reading: July 22, 2014

Journal CC015
August 12, 2014