

# County Council of Cuyahoga County, Ohio

## Ordinance No. O2015-0016

Sponsored by: <b>Councilmembers Simon and Gallagher</b>	<b>An Ordinance</b> amending Section 205.06 of the Cuyahoga County Code to provide that the Chair of the Debarment Review Board shall serve without per diem compensation, and declaring the necessity that this Ordinance become immediately effective.
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WHEREAS, Pursuant to Section 205.06 of the Cuyahoga County Code, the Debarment Review Board is responsible to “review and determine... any matters that are submitted for its consideration pursuant to the Cuyahoga County Code,” including appeals from debarred contractors; and

WHEREAS, The Debarment Review Board is composed of five members, including a member of Council, three members appointed by the County Executive and confirmed by Council, and a former Judge appointed by the Presiding Judge of the Cuyahoga County Court of Common Pleas who serves as chair; and

WHEREAS, The members of the Debarment Review Board, excluding the member of Council, currently each receive a per diem for their service on the Board; and

WHEREAS, The Ohio Public Employee Retirement System (“OPERS”) intends to amend Ohio Administrative Code Section 145-4-60, expected to go into effect January 1, 2016, which will state “[a] benefit recipient who is a public employee shall not participate in the health reimbursement arrangement sponsored by the system during any month that the recipient is a public employee;” and,

WHEREAS, OPERS further intends to promulgate Ohio Administrative Code Section 145-1-48, expected to go into effect January 1, 2016, which will state “[OPERS membership] is required for all appointed and elected members of boards and commissions who receive salary for their services. Members who serve without pay or who only receive reimbursement for expenses are not eligible for membership in the public employees retirement system;” and,

WHEREAS, as a former judge, the Chair of the Debarment Review Board will typically be an OPERS benefit recipient whose benefits would be negatively impacted by the proposed OPERS Administrative Rules if the Chair were to serve with compensation; 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 the County departments.

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

**SECTION 1.** Section 205.06(E) of the Cuyahoga County Code is hereby amended to read as follows (additions are bolded and underlined, deletions are stricken):

**Section 205.06 The Cuyahoga County Debarment Review Board**

**E. Compensation:** **The appointee of the Presiding Judge of the Cuyahoga County Court of Common Pleas and the appointee of the Council President shall both serve without compensation.** ~~The members of the Debarment Review Board, excluding the member of the Cuyahoga County Council appointed by the Council President,~~ **The remaining members** shall receive a compensation rate of \$200.00 per diem for their service on the Debarment Review Board ~~and the Chairperson of the Debarment Review Board shall receive a compensation rate of \$225.00 per diem for his or her service on the Debarment Review Board.~~

**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 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 Ms. Simon, seconded by Mr. Gallagher, the foregoing Ordinance was duly enacted.

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

Nays: None

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County Council President

\_\_\_\_\_  
Date

\_\_\_\_\_  
County Executive

\_\_\_\_\_  
Date

\_\_\_\_\_  
Clerk of Council

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Date

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December 8, 2015