

County Council of Cuyahoga County, Ohio

Ordinance No. O2022-0001

Sponsored by: Councilmembers Conwell, Jones, Turner, Miller and Baker	An Ordinance making confirmable by Council the appointments of the Directors of Children and Family Services, Cuyahoga Job and Family Services and Senior and Adult Services; and declaring the necessity that this Ordinance become immediately effective.
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WHEREAS, Article VIII, Section 8.01 of the Charter of Cuyahoga County provides for the establishment of a Department of Health and Human Services; and

WHEREAS, pursuant to Article VIII, Section 8.02 of the Charter, the Director of the Department of Health and Human Services shall be appointed by the County Executive, subject to confirmation by Council; and

WHEREAS, the Director of the Department of Health and Human Services oversees multiple agencies within the Department which consist of Children and Family Services, Cuyahoga Job and Family Services and Senior and Adult Services; and

WHEREAS, there are Directors at each of these agencies who report to the Director of Health and Human Services and who manage the agency operations and employees; and

WHEREAS, the Directors at these agencies are currently appointed by the County Executive but not confirmed by County Council, and

WHEREAS, in accordance with Section 3.09(2) of the Charter, the County Council desires to make confirmable by Council the appointments of the Directors of Children and Family Services, Cuyahoga Job and Family Services, and Senior and Adult Services; and

WHEREAS, it is necessary that this Ordinance become immediately effective in order that Charter requirements can be complied with and that critical services provided by Cuyahoga County can continue, and to provide for the usual, daily operation of County government.

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

SECTION 1. Section 202.10 of the Cuyahoga County Code is hereby amended to read as follows (deletions are stricken, additions are bold and underlined):

Section 202.10 Department of Health and Human Services

- A. There is hereby established the Department of Health and Human Services. The duties, functions, and employees of the former Departments of Children & Family Services, Employment & Family Services, Cuyahoga Support Enforcement Agency, and Senior & Adult Services, each of which have historically operated as its own department, shall be incorporated as three separate divisions within the Department of Health and Human Services. These divisions shall be known as Cuyahoga Job and Family Services, Children and Family Services, and Senior and Adult Services. Each of these divisions will be supervised by a Director who will report to the Director of Health and Human Services.
- B. The Department of Health and Human Services shall also contain the Community Initiatives Division, consisting of the Family and Children First Council, the Office of Early Childhood, the Office of Homeless Services, and the Office of Re-entry.
- C. The Department of Health and Human Services shall also contain the Office of the Director.
- D. The Director of Health and Human Services is hereby authorized to employ and supervise directors, deputies, assistants and employees as shall be conducive to the efficient performance of the duties of the Department of Health and Human Services and is consistent with approved budgetary parameters determined by Council.
- E. After the effective date of this ordinance, and except as otherwise set forth herein, the Directors of Children and Family Services, Cuyahoga Job and Family Services and Senior and Adult Services shall be appointed by the County Executive, subject to confirmation by the Council in accordance with Section 2.03(2) of the Charter, and shall be the heads of their respective agencies.

Any current Directors of Children and Family Services, Cuyahoga Job and Family Services and Senior and Adult Services, at the time this ordinance is passed, shall be deemed confirmed in accordance with this paragraph E unless the Council President requests in writing to the County Executive within sixty (60) days of the passage of this ordinance that one or more of the current Director(s) be appointed by the County Executive and be confirmed by Council.

F. Health and Human Services Planning Process

- 1. The County Executive and the Director of Health and Human Services shall prepare and present to Council by July 1, 2017, a proposed five-year Health and Human Services Plan which may include any or all of the following elements and any other elements at the discretion of the Director of Health and Human Services:

- a. A map showing what health and human services are currently available in Cuyahoga County and who provides them;
 - b. An identification of needs and gaps in Cuyahoga County's health and human services and an assessment of the adequacy of current funding sources to meet those needs and gaps;
 - c. A statement of priorities and goals for the Department of Health and Human Services;
 - d. Identification of best strategies for implementing a prevention-oriented approach designed to reduce long-term demand for services;
 - e. A plan for creating more effective collaborations among the divisions of the Department of Health and Human Services and community agencies to achieve greater efficiency, reduce overlap, and more accessible intake procedures, while also ensuring compliance with all applicable laws related to information sharing;
 - f. Identification of strategies for making better use of technology and business improvement models to improve service delivery;
 - g. Identification of strategies for helping people gain well-compensated employment and economic self-sufficiency through collaboration among the health and human services system and other large systems in our community, including workforce development, economic development, education, criminal justice, and others as appropriate; and
 - h. Identification of measurement strategies to assess progress made in achieving the priorities and goals set forth in the plan
2. The Director of Health and Human Services is encouraged to facilitate involvement by members of County Council, other stakeholders, and the public during the planning process.
 3. No later than ninety days after the plan is presented to Council, the Council may adopt the plan with such changes as the Council and the Executive shall agree upon prior to adoption. If the Council fails to act within ninety days, the plan shall become effective as presented.
 4. The County Executive and the Director of Health and Human services shall present a revision of the five-year Health and Human Services plan every four years after the presentation of the original plan and may at their sole discretion present revisions in the interim. Revisions of the Health and Human Services Plan shall be reviewed by Council as provided in paragraph (E)(3) of this Section.
 5. The Director of Health and Human Services, under the direction of the County Executive, may contract for professional services to assist in preparing the Health and Human Services Plan, consistent with the procedures for contracting, procurement, and budgeting provided in Title 5 and Title 7 of this Code.

6. The Director of Health and Human Services shall maintain a copy of the current Health and Human Services Plan and each prior plan that became effective on the appropriate County website.

G. Nothing in Section 202.10 of the Cuyahoga County Code is intended to limit the ability of the County Executive and the Director of the Department of Health and Human Services to abolish positions for the purpose of enhancing the efficiency of operations or for any other reason permitted by general law.

H. Displacement rights following the abolishment of a position within the Department of Health and Human Services are hereby delineated and wholly defined as displacement within the Division to which each employee is assigned (i.e., the Division of Children and Family Services; the Division of Senior and Adult Services; Cuyahoga Job and Family Services; or, the Division of Community Initiatives Services). In the case of the employees of the Office of the Director, displacement rights shall be limited to that office.

1. No employee within the Department of Health and Human Services may displace another employee who has more retention points, regardless of the classification of either employee.

2. Section 202.10 of the Cuyahoga County Code specifically overrides any and all conflicting ordinances, as well as the provision set forth in OAC 123:1-41-12(E) that creates an additional displacement category for employees of county departments of job and family services defined as displacement in classifications previously held. Unless provided for otherwise in a collective bargaining agreement, in which case the terms of the agreement shall apply, employees in the Department of Health and Human Services shall have only those displacement rights contained herein.

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 in 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 concerning and 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 Ms. Baker, seconded by Mr. Sweeney, the foregoing Ordinance was Duly enacted.

Yeas: Baker, Miller, Sweeney, Tuma, Gallagher, Turner, Stephens, Simon and Jones

Nays: None

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County Council President	Date

_____	_____
County Executive	Date

_____	_____
Clerk of Council	Date

First Reading/Referred to Committee: January 25, 2022
Committee(s) Assigned: Human Resources, Appointments & Equity

Additional Sponsorship Requested: January 25, 2022

Legislation Substituted in Committee: March 29, 2022

Committee Report/Second Reading: April 12, 2022

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