



AGENDA
CUYAHOGA COUNTY COUNCIL REGULAR MEETING
TUESDAY, MAY 8, 2012
CUYAHOGA COUNTY JUSTICE CENTER
COUNCIL CHAMBERS – 1ST FLOOR
5:00 PM

- 1. CALL TO ORDER**
- 2. ROLL CALL**
- 3. PLEDGE OF ALLEGIANCE**
- 4. SILENT MEDITATION**
- 5. PUBLIC COMMENT RELATED TO AGENDA**
- 6. APPROVAL OF MINUTES**
 - a) April 24, 2012 Regular Meeting
- 7. ANNOUNCEMENTS FROM THE COUNCIL PRESIDENT**
- 8. MESSAGES FROM THE COUNTY EXECUTIVE**
- 9. CONSIDERATION OF MOTIONS OF COUNCIL FOR FIRST READING AND REFERRAL TO COMMITTEE**
 - a) M2012-0017: A Motion confirming the County Executive's reappointment of individuals to serve on the Cuyahoga Arts and Culture Board of Trustees, and declaring the necessity that this Motion become immediately effective:
 - 1) Victoria Eaton Johnson
 - 2) Sari Feldman

Sponsor: Council President Connally

- b) M2012-0018: A Motion confirming the County Executive's appointment of individuals to serve on the Cuyahoga County Public Defender Commission, and declaring the necessity that this Motion become immediately effective:

- 1) Phyllis L. Crocker
- 2) Gordon Friedman

Sponsor: Council President Connally

10. COMMITTEE REPORTS AND CONSIDERATION OF MOTIONS OF COUNCIL FOR SECOND READING ADOPTION UNDER SUSPENSION OF RULES

- a) M2012-0004: A Motion amending various Rules of the Cuyahoga County Council; and declaring the necessity that this Motion become immediately effective.

Sponsors: Councilmembers Miller and Greenspan

Committee Assignment and Chair: Rules, Charter Review, Ethics & Council Operations – Greenspan

- b) M2012-0015: A Motion confirming the County Executive's appointment of various Mayors to serve on the Cuyahoga County Planning Commission, and declaring the necessity that this Motion become immediately effective:

- 1) The Honorable Daniel J. Ursu for the Hillcrest Region
- 2) The Honorable Susan K. Infeld for the Heights Region
- 3) The Honorable Michael P. Byrne for the South Central Region
- 4) The Honorable Kathy U. Mulcahy for the Chagrin/Southeast Region

Sponsor: Council President Connally

Committee Assignment and Chair: Human Resources, Appointments & Equity – Conwell

- c) M2012-0016: A Motion confirming the County Executive's appointment of Bonita Teeuwen to serve on the Cuyahoga County Justice Center Building Committee, and declaring the necessity that this Motion become immediately effective.

Sponsor: Council President Connally

Committee Assignment and Chair: Human Resources, Appointments & Equity – Conwell

11. CONSIDERATION OF A RESOLUTION OF COUNCIL FOR FIRST READING AND REFERRAL TO COMMITTEE

- a) R2012-0076: A Resolution authorizing the Office of Budget & Management to create a special fund for the purpose of accepting a deposit of funds in the amount of \$211,018.26 from the Soldiers' and Sailors' Monument Support Group (Federal ID No. 34-1949122); directing that said funds be used for extraordinary maintenance and capital improvements for the Cuyahoga County Soldiers' and Sailors' Monument; and declaring the necessity that this Resolution become immediately effective.

Sponsor: Council President Connally

12. COMMITTEE REPORTS AND CONSIDERATION OF ORDINANCES OF COUNCIL FOR SECOND READING

- a) O2012-0004: An Ordinance amending the Cuyahoga County Code of Ethics, as amended, and declaring the necessity that this Ordinance become immediately effective.

Sponsor: Councilmember Greenspan

Committee Assignment and Chair: Rules, Charter Review, Ethics & Council Operations – Greenspan

- b) O2012-0008: An Ordinance amending Ordinance No. O2011-0019, which established the Agency of Inspector General and the responsibilities and duties of said Agency, and declaring the necessity that this Ordinance become immediately effective.

Sponsor: Councilmember Greenspan

Committee Assignment and Chair: Rules, Charter Review, Ethics & Council Operations – Greenspan

13. CONSIDERATION OF ORDINANCES OF COUNCIL FOR THIRD READING ADOPTION

- a) O2011-0056: An Ordinance establishing a General Fund, Fund Balance Reserve Policy and Replenishment Plan; and declaring the necessity that this Ordinance become immediately effective.

Sponsors: Councilmembers Greenspan, Miller and Germana

- b) O2011-0058: An Ordinance establishing a Health and Human Services Levy Fund, Fund Balance Reserve Policy and Replenishment Plan; and declaring the necessity that this Ordinance become immediately effective.

Sponsors: Councilmembers Greenspan, Miller and Germana

14. CONSIDERATION OF RESOLUTIONS FOR FIRST READING ADOPTION UNDER SUSPENSION OF RULES

- a) R2012-0077: A Resolution amending the 2012/2013 Biennial Operating Budget for 2012 by providing for additional fiscal appropriations from the General Fund and other funding sources in order to meet the budgetary needs of various County departments; and declaring the necessity that this Resolution become immediately effective.

Sponsor: County Executive FitzGerald/Fiscal Officer/Office of Budget & Management

- b) R2012-0078: A Resolution authorizing a contract with Emerald Development and Economic Network, Inc. in the amount not-to-exceed \$10,116,156.00 for the Shelter Plus Care Tenant-based Rental Assistance Program in connection with the FY2010 Continuum of Care Homeless Assistance Grant Programs and the McKinney-Vento Homeless Assistance Act for the period 4/10/2012 - 4/9/2013; authorizing the County Executive to execute the contract and all other documents consistent with this Resolution; and declaring the necessity that this Resolution become immediately effective.

Sponsor: County Executive FitzGerald/Department Health and Human Services/Division of Community Initiatives/Office of Homeless Services

15. CONSIDERATION OF RESOLUTIONS FOR FIRST READING AND REFERRAL TO COMMITTEE

- a) R2012-0079: A Resolution authorizing an agreement with City of Cleveland in the amount not-to-exceed \$2,620,777.24 for reimbursement of eligible expenses for planning, training, exercises, equipment and grant administration in connection with the FY2009 Urban Area Security Initiative Grant Program for the period 8/1/2009 - 6/30/2012; and authorizing the County Executive to execute the agreement and all other documents consistent with this Resolution.

Sponsor: County Executive FitzGerald/Department of Public Safety and Justice Services/Division of Public Safety Grants

- b) R2012-0080: A Resolution approving a Sanitary Sewer Line Vacation and Granting of Easement agreement with Wal-Mart Real Estate Business Trust, a Delaware statutory trust, in connection with property located in the City of Brooklyn; and authorizing the County Executive to execute all documents required in connection with said agreement.

Sponsor: County Executive FitzGerald/Department of Public Works/
Division of County Engineer

16. COMMITTEE REPORTS AND CONSIDERATION OF RESOLUTIONS FOR SECOND READING ADOPTION UNDER SUSPENSION OF RULES

- a) R2012-0069: A Resolution amending the 2012/2013 Biennial Operating Budget for 2012 by providing for an additional fiscal appropriation from the General Fund in order to meet the budgetary needs of a County department; and declaring the necessity that this Resolution become immediately effective.

Sponsor: County Executive FitzGerald/Fiscal Officer/Office of Budget & Management

Committee Assignment and Chair: Finance & Budgeting – Miller

- b) R2012-0074: A Resolution declaring that public convenience and welfare requires resurfacing of Denison Avenue from Fulton Road to Pearl Road in the City of Cleveland; total estimated construction cost \$850,000.00; finding that special assessments will neither be levied nor collected to pay for any part of the County's costs of said improvement; and authorizing the County Executive to enter into an agreement of cooperation with said municipality in connection with said project.

Sponsor: County Executive FitzGerald/Department of Public Works/
Division of County Engineer

Committee Assignment and Chair: Public Works, Procurement & Contracting – Jones

- c) R2012-0075: A Resolution declaring that public convenience and welfare requires resurfacing of Riverview Road from Brookside Road to Fitzwater Road in the Cities of Brecksville and Independence; total estimated construction cost \$600,000.00; finding that special assessments will neither be levied nor collected to pay for any part of the County's costs of said improvement; and authorizing the County Executive to enter into agreements of cooperation with said municipalities in connection with said project.

Sponsor: County Executive FitzGerald/Department of Public Works/
Division of County Engineer

Committee Assignment and Chair: Public Works, Procurement &
Contracting – Jones

**17. CONSIDERATION OF ORDINANCES FOR FIRST READING AND REFERRAL TO
COMMITTEE**

- a) O2012-0011: An Ordinance establishing an Economic Development Fund for the purpose of collecting and expending proceeds from gross casino revenues, and declaring the necessity that this Ordinance become immediately effective.

Sponsor: County Executive FitzGerald/Department of Development

- b) O2012-0012: An Ordinance establishing the Department of Information Technology under the direction of a Chief Information Officer who shall serve at the pleasure of the County Executive, and declaring the necessity that this Ordinance become immediately effective.

Sponsor: County Executive FitzGerald

18. MISCELLANEOUS COMMITTEE REPORTS

19. MISCELLANEOUS BUSINESS

20. PUBLIC COMMENT UNRELATED TO AGENDA

21. EXECUTIVE SESSION

- a) Matters of pending litigation

22. ADJOURNMENT

NEXT MEETING

REGULAR MEETING:

TUESDAY, MAY 22, 2012
5:00 PM / COUNCIL CHAMBERS

*In accordance with Ordinance No. O2011-0020, complimentary parking in the Huntington Park Garage will be available for the public **beginning at 4:00 p.m.** on any day when the Council or any of its committees holds evening meetings. Please see the Clerk to obtain a parking pass.



MINUTES

**CUYAHOGA COUNTY COUNCIL REGULAR MEETING
TUESDAY, APRIL 24, 2012
CUYAHOGA COUNTY JUSTICE CENTER
COUNCIL CHAMBERS – 1ST FLOOR
5:00 PM**

1. CALL TO ORDER

The meeting was called to order by Council President Connally at 5:01 p.m.

2. ROLL CALL

Council President Connally asked Clerk Schmotzer to call the roll. Councilmembers Greenspan, Miller, Brady, Germana, Gallagher, Conwell, Jones, Rogers, Simon and Connally were in attendance and a quorum was determined. Councilmember Schron was absent from the meeting.

A motion was then made by Mr. Miller, seconded by Ms. Conwell and approved by unanimous vote to excuse Mr. Schron from the meeting.

3. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

4. SILENT MEDITATION

Council President Connally requested a moment of silent meditation be dedicated in memory of The Honorable Peter Sikora, Juvenile Court Judge, who passed away recently. She also asked that a moment be dedicated to murder victims Jim and Wava King, their family and loved ones.

5. PUBLIC COMMENT RELATED TO AGENDA

The following citizens addressed Council regarding issues of concern to them relating to Resolution No. R2012-0070, a Resolution making an award to Motorola, Inc., for the purchase of interoperable radios and vehicular chargers for the Department of Public Safety and Justice Services:

- a) Mr. Rick Zamora
- b) James Dixon, Esq.
- c) Mr. Michael Engelhaupt
- d) Mr. Gus Hoyas

6. APPROVAL OF MINUTES

- a) April 10, 2012 Regular Meeting

A motion was made by Ms. Simon, seconded by Ms. Conwell and approved by majority vote to approve the minutes of the April 10, 2012 meeting, with Councilmember Greenspan abstaining from the vote due to his absence from that particular meeting.

7. ANNOUNCEMENTS FROM THE COUNCIL PRESIDENT

Council President Connally reported that she attended dedication ceremonies for the Warrensville Branch of the Cuyahoga County Library and encouraged all to visit.

8. MESSAGES FROM THE COUNTY EXECUTIVE

County Executive FitzGerald reported the following:

- 1) Attended the County Commissioners' Association of Ohio meeting in Columbus with Council President Connally on Friday, April 20th. Topics discussed included how some larger counties are writing bid specifications so that smaller counties can take advantage of their bidding processes and issues concerning hydraulic fracturing, the process of inserting pressurized fluid underground to break up rock and release gas.
- 2) A meeting with the Allegheny County Council will be scheduled in the near future. Council is invited to attend.
- 3) The 10th Annual Rally for the Troops and Welcome Home Ceremony will be held on Sunday, April 29th, at Gateway Plaza. Councilmembers are encouraged to attend; and
- 4) An announcement will be made on Monday, April 30th, to unveil the next stage of the County Health Alliance. The program has continued to

progress with approximately 20 communities and 19 organizations – including hospitals, universities, County Board of Health and County Planning Commission – volunteering to participate in the pilot program.

9. RECEPTION OF REPORT SUBMITTED TO COUNCIL

- a) Summary compilation of proposed Charter amendments recommended by Councilmembers and Administration

Council President Connally referred the report to the Rules, Charter Review, Ethics & Council Operations Committee.

10. CONSIDERATION OF A MOTION OF COUNCIL FOR FIRST READING AND REFERRAL TO COMMITTEE

- a) M2012-0016: A Motion confirming the County Executive's appointment of Bonita Teeuwen to serve on the Cuyahoga County Justice Center Building Committee, and declaring the necessity that this Motion become immediately effective.

Sponsor: Council President Connally

Council President Connally referred Motion No. M2012-0016 to the Human Resources, Appointments & Equity Committee.

11. CONSIDERATION OF A RESOLUTION OF COUNCIL FOR FIRST READING ADOPTION UNDER SUSPENSION OF RULES

A motion was made by Ms. Simon, seconded by Mr. Gallagher and approved by unanimous vote to suspend Rules 9D and 12A and to place on final passage Resolution No. R2012-0071.

- a) R2012-0071: A Resolution supporting The MetroHealth System's and State of Ohio's Medicaid Waiver Demonstration application to the U.S. Centers for Medicaid and Medicare Services, and declaring the necessity that this Resolution become immediately effective.

Sponsors: Councilmembers Brady, Conwell, **Miller, Rogers, Jones, Simon, Connally, Gallagher, Germana, Greenspan** and County Executive FitzGerald

On a motion by Mr. Brady with a second by Mr. Gallagher, Resolution No. R2012-0071 was considered and adopted by unanimous vote.

12. CONSIDERATION OF A RESOLUTION OF COUNCIL FOR FIRST READING ADOPTION
UNDER SUSPENSION OF RULES/EXECUTIVE SESSION

[Note: Item No. 12 was taken out of order after Item No. 19 on the agenda.]

- a) R2012-0072: A Resolution approving a Collective Bargaining Agreement between Cuyahoga County and Waste Paper Drivers Union, Local 244, affiliated with the International Brotherhood of Teamsters, consisting of approximately 8 employees in the Department of Public Works/Division of Animal Shelter for the period 1/1/2012 - 12/31/2014; directing that funds necessary to implement the Collective Bargaining Agreement be budgeted and appropriated; authorizing the County Executive to execute the agreement and all other documents consistent with this Resolution, and declaring the necessity that this Resolution become immediately effective.

Sponsor: County Executive FitzGerald/Departments of Law and Public Works/Division of Animal Shelter

- b) Matters of Pending Litigation

A motion was made by Ms. Conwell, seconded by Mr. Greenspan, and approved by unanimous roll-call vote to move to Executive Session for the purpose of discussing matters concerning collective bargaining and pending litigation, and for no other purpose whatsoever. Executive Session was then called to order by Council President Connally at 6:27 p.m. The following members were present: Councilmembers Greenspan, Miller, Brady, Germana, Gallagher, Conwell, Jones, Rogers, Simon and Connally. The following additional invitees were present: County Executive Ed FitzGerald, Director of Law Majeed Makhoulf, Deputy Chief Director of Law Nora Hurley, Assistant Law Director Joe Boatwright, Assistant Law Director Ed Morales, Director of Human Resources Elise Hara and Director of Public Works Bonnie Teeuwen. At 7:04 p.m. Executive Session was adjourned, without objection, and Council President Connally then reconvened the regular meeting.

A motion was then made by Ms. Simon, seconded by Mr. Gallagher and approved by unanimous vote to suspend Rules 9D and 12A and to place on final passage Resolution No. R2012-0072.

Clerk Schmotzer read Resolution No. R2012-0072 into the record. On a motion by Mr. Miller with a second by Ms. Simon, Resolution No. R2012-0072 was considered and adopted by unanimous vote.

COMMITTEE REPORTS AND CONSIDERATION OF ORDINANCES OF COUNCIL FOR SECOND READING

- c) O2011-0056: An Ordinance establishing a General Fund, Fund Balance Reserve Policy and Replenishment Plan; and declaring the necessity that this Ordinance become immediately effective.

Sponsors: Councilmembers Greenspan, **Miller and Germana**

Committee Assignment and Chair: Finance & Budgeting – Miller

Clerk Schmotzer read Ordinance No. O2011-0056 into the record.

This item will move to the May 8, 2012 Council meeting agenda for consideration for third reading adoption.

- d) O2011-0058: An Ordinance establishing a Health and Human Services Levy Fund, Fund Balance Reserve Policy and Replenishment Plan; and declaring the necessity that this Ordinance become immediately effective.

Sponsors: Councilmembers Greenspan, **Miller and Germana**

Committee Assignment and Chair: Finance & Budgeting – Miller

Clerk Schmotzer read Ordinance No. O2011-0058 into the record.

This item will move to the May 8, 2012 Council meeting agenda for consideration for third reading adoption.

13. CONSIDERATION OF A RESOLUTION FOR FIRST READING ADOPTION UNDER SUSPENSION OF RULES

A motion was made by Ms. Simon, seconded by Mr. Gallagher and approved by unanimous vote to suspend Rules 9D and 12A and to place on final passage Resolution No. R2012-0073.

- a) R2012-0073: A Resolution amending the 2012/2013 Biennial Operating Budget for 2012 by providing for additional fiscal appropriations from the General Fund and other funding sources, for appropriation transfers between budget accounts, and for cash transfers between budgetary funds, in order to meet the budgetary needs of various County departments, offices and agencies; and declaring the necessity that this Resolution become immediately effective.

Sponsor: County Executive FitzGerald/Fiscal Officer/Office of Budget & Management

On a motion by Mr. Miller with a second by Mr. Gallagher, Resolution No. R2012-0073 was considered and adopted by unanimous vote.

14. CONSIDERATION OF RESOLUTIONS FOR FIRST READING AND REFERRAL TO COMMITTEE

- a) R2012-0074: A Resolution declaring that public convenience and welfare requires resurfacing of Denison Avenue from Fulton Road to Pearl Road in the City of Cleveland; total estimated construction cost \$850,000.00; finding that special assessments will neither be levied nor collected to pay for any part of the County's costs of said improvement; and authorizing the County Executive to enter into an agreement of cooperation with said municipality in connection with said project.

Sponsor: County Executive FitzGerald/Department of Public Works/
Division of County Engineer

Council President Connally referred Resolution No. R2012-0074 to the Public Works, Procurement & Contracting Committee.

- b) R2012-0075: A Resolution declaring that public convenience and welfare requires resurfacing of Riverview Road from Brookside Road to Fitzwater Road in the Cities of Brecksville and Independence; total estimated construction cost \$600,000.00; finding that special assessments will neither be levied nor collected to pay for any part of the County's costs of said improvement; and authorizing the County Executive to enter into agreements of cooperation with said municipalities in connection with said project.

Sponsor: County Executive FitzGerald/Department of Public Works/
Division of County Engineer

Council President Connally referred Resolution No. R2012-0075 to the Public Works, Procurement & Contracting Committee.

15. COMMITTEE REPORTS AND CONSIDERATION OF RESOLUTIONS FOR SECOND READING ADOPTION UNDER SUSPENSION OF RULES

A motion was made by Ms. Simon, seconded by Mr. Gallagher and approved by unanimous vote to suspend Rule 9D and to place on final passage Resolution Nos. R2012-0050, R2012-0063, R2012-0064, R2012-0065, R2012-0066, R2012-0067, R2012-0068 and R2012-0070.

- a) R2012-0050: A Resolution authorizing a contract with United Way of Greater Cleveland, Inc. in the amount not-to-exceed \$821,587.50 for food

and allocation of funds for Hunger Centers serving needy residents in Cuyahoga County for the period 4/1/2012 - 12/31/2012; authorizing the County Executive to execute the contract and all other documents consistent with this Resolution; and declaring the necessity that this Resolution become immediately effective.

Sponsor: County Executive FitzGerald/Department of Health and Human Services/Division of Employment and Family Services/Cuyahoga Support Enforcement Agency

Committee Assignment and Chair: Health, Human Services & Aging – Brady

On a motion by Mr. Rogers with a second by Ms. Simon, Resolution No. R2012-0050 was considered and adopted by unanimous vote.

- b) R2012-0063: A Resolution declaring that public convenience and welfare requires resurfacing of Sprague Road from Marks Road to Prospect Road in the Cities of Berea and Strongsville; total estimated construction cost \$700,000.00; finding that special assessments will neither be levied nor collected to pay for any part of the County's costs of said improvement; and authorizing the County Executive to enter into agreements of cooperation with said municipalities in connection with said project.

Sponsors: County Executive FitzGerald/Department of Public Works/Division of County Engineer and Councilmember Gallagher

Committee Assignment and Chair: Public Works, Procurement & Contracting – Jones

On a motion by Mr. Jones with a second by Mr. Rogers, Resolution No. R2012-0063 was considered and adopted by unanimous vote.

- c) R2012-0064: A Resolution declaring that public convenience and welfare requires resurfacing of York Road from Bennett Road to State Route 82 in the City of North Royalton; total estimated construction cost \$700,000.00; finding that special assessments will neither be levied nor collected to pay for any part of the County's costs of said improvement; and authorizing the County Executive to enter into an agreement of cooperation with said municipality in connection with said project.

Sponsors: County Executive FitzGerald/Department of Public Works/Division of County Engineer and Councilmember Gallagher

Committee Assignment and Chair: Public Works, Procurement & Contracting – Jones

On a motion by Mr. Jones with a second by Mr. Gallagher, Resolution No. R2012-0064 was considered and adopted by unanimous vote.

- d) R2012-0065: A Resolution making an award on RQ21215 to O.R. Colan Associates of Florida, LLC, in the amount not-to-exceed \$715,005.00 for right-of-way acquisition services in connection with improvement of Pleasant Valley/Bagley Road from Pearl Road to York Road in the Cities of Middleburg Heights and Parma; authorizing the County Executive to execute the contract and all other documents consistent with said award and this Resolution; and declaring the necessity that this Resolution become immediately effective.

Sponsors: County Executive FitzGerald/Department of Public Works/
Division of County Engineer and Councilmembers Gallagher and Germana

Committee Assignment and Chair: Public Works, Procurement &
Contracting – Jones

On a motion by Mr. Jones with a second by Ms. Simon, Resolution No. R2012-0065 was considered and adopted by unanimous vote.

- e) R2012-0066: A Resolution making an award on RQ22552 to Burton Scot Contractors, LLC, in the amount not-to-exceed \$2,213,811.02 for resurfacing of Green Road from Chagrin Boulevard to Fairmount Boulevard in the Cities of Beachwood and Shaker Heights; authorizing the County Executive to execute the contract and all other documents consistent with said award and this Resolution; and declaring the necessity that this Resolution become immediately effective.

Sponsors: County Executive FitzGerald/Department of Public Works/
Division of County Engineer and Councilmembers Connally and Simon

Committee Assignment and Chair: Public Works, Procurement &
Contracting – Jones

On a motion by Mr. Jones with a second by Mr. Rogers, Resolution No. R2012-0066 was considered and adopted by unanimous vote.

- f) R2012-0067: A Resolution making an award on RQ22624 to Suburban Maintenance and Construction, Inc. in the amount not-to-exceed \$908,993.93 for replacement of Austin Powder Drive Bridge No. 137 over a branch of Tinkers Creek in the Village of Glenwillow; authorizing the County Executive to enter into a contract consistent with said award; and authorizing the County Engineer, on behalf of the County Executive, to

make an application for allocation from County Motor Vehicle \$5.00 License Tax Funds in said amount to fund said contract.

Sponsors: County Executive FitzGerald/Department of Public Works/
Division of County Engineer and Councilmember Schron

Committee Assignment and Chair: Public Works, Procurement &
Contracting – Jones

On a motion by Mr. Jones with a second by Ms. Simon, Resolution No. R2012-0067 was considered and adopted by unanimous vote.

- g) R2012-0068: A Resolution authorizing a revenue generating agreement with Woods Cove II LLC, as purchaser, and Axis Capital Management, Inc., as servicer, in the amount not-to-exceed \$7,000,000.00 for the sale of tax lien certificates; authorizing the County Executive to execute the agreement and all other documents consistent with this Resolution; and declaring the necessity that this Resolution become immediately effective.

Sponsor: County Executive FitzGerald/Fiscal Officer/County Treasurer

Committee Assignment and Chair: Finance & Budgeting – Miller

Mr. Miller introduced a proposed substitute to Resolution No. R2012-0068 to change the dollar amount from \$7,000,000.00 to \$13,214,970.23 wherever it appeared in the Resolution.

A motion was then made by Mr. Miller, seconded by Mr. Germana and approved by unanimous vote to accept the proposed substitute.

On a motion by Ms. Simon with a second by Mr. Gallagher, Resolution No. R2012-0068 was considered and adopted by unanimous vote, as substituted.

- h) R2012-0070: A Resolution making an award on RQ22439 to Motorola Solutions, Inc., in the amount not-to-exceed \$2,071,650.00 for the purchase of interoperable radios and vehicular chargers for the Department of Public Safety and Justice Services; authorizing the County Executive to execute the contract and all other documents consistent with said award and this Resolution; and declaring the necessity that this Resolution become immediately effective.

Sponsors: County Executive FitzGerald/Fiscal Officer/Office of
Procurement & Diversity and **Councilmember Germana**

Committee Assignment and Chair: Public Safety – Gallagher

On a motion by Ms. Simon with a second by Mr. Gallagher, Resolution No. R2012-0070 was considered and adopted by unanimous roll-call vote.

16. MISCELLANEOUS COMMITTEE REPORTS

Ms. Simon reported that the Justice Affairs Committee will meet on Friday, April 27, 2012 at 11:30 a.m.

Mr. Miller reported that the Finance & Budgeting Committee will meet on Monday, April 30, 2012 at 1:00 p.m.

Mr. Greenspan reported that the Rules, Charter Review, Ethics & Council Operations Committee met on Tuesday, April 24, 2012 at 1:00 p.m. and will meet again on Tuesday, May 1, 2012 at 1:00 p.m.

Ms. Conwell reported that the Human Resources, Appointments & Equity Committee will meet on Thursday, May 3, 2012 at 10:00 a.m.

Mr. Jones reported that the Public Works, Procurement & Contracting Committee will meet on Thursday, April 26, 2012 at 11:00 a.m.

17. MISCELLANEOUS BUSINESS

There was no miscellaneous business.

18. PUBLIC COMMENT UNRELATED TO AGENDA

No public comments were given.

19. ADJOURNMENT

With no further business to discuss, the meeting was adjourned by Council President Connally at 7:06 p.m., without objection.

COUNTY COUNCIL OF CUYAHOGA COUNTY, OHIO

MOTION NO. M2012-0017

Sponsored by: Council President Connally

A Motion confirming the County Executive's reappointment of individuals to serve on the Cuyahoga Arts and Culture Board of Trustees, and declaring the necessity that this Motion become immediately effective.

WHEREAS, pursuant to ORC Chapter 3381.05, the former Cuyahoga County Board of Commissioners created a regional arts and cultural district to provide programs and activities in areas directly concerned with the arts or cultural heritage; and,

WHEREAS, such regional arts and cultural district is governed by a Board of Trustees consisting of 5 members which must have broad knowledge and experience in the arts or cultural heritage and shall have other qualifications outlined in by-laws; and,

WHEREAS, pursuant to ORC 3381.05, the Board of Trustees shall be appointed to a 3 year term; and,

WHEREAS, County Charter Section 6.04, entitled Special Boards and Commissions, states that "[w]hen general law or any agreement with another public agency or court order provides for appointment of members of a special board or commission or other agency by the board of county commissioners, such appointment shall be made by the County Executive, subject to confirmation by the Council;" and,

WHEREAS, the County Executive has nominated Victoria Eaton Johnson and Sari Feldman to be reappointed to serve on the Cuyahoga Arts and Culture Board of Trustees; and,

WHEREAS, this Council by a vote of at least eight (8) members determines that it is necessary that this Motion become immediately effective in order that Charter requirements can be complied with and critical services provided by Cuyahoga County can continue, and to provide for the usual, daily operation of a County Board.

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

SECTION 1. The Council of Cuyahoga County, Ohio, hereby confirms the reappointment of Victoria Eaton Johnson and Sari Feldman to serve on the Cuyahoga Arts and Culture Board of Trustees, commencing immediately.

SECTION 2. It is necessary that this Motion become immediately effective in order that critical services provided by Cuyahoga County can continue, and to continue the usual and daily operation of the County. Provided that this Motion receives the affirmative vote of eight members of Council, this Motion shall become immediately effective.

SECTION 3. It is found and determined that all formal actions of this Council concerning and relating to the passage of this Motion were passed in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public, and in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

On a motion by _____, seconded by _____, the foregoing Motion was duly approved.

Yeas:

Nays:

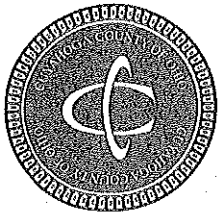
County Council President Date

Clerk of Council Date

First Reading/Referred to Committee:

Committee(s) Assigned:

Journal _____
_____, 2012



EDWARD FITZGERALD
Cuyahoga County Executive

April 20, 2012

APR 23 2012

Cuyahoga County Council

C. Ellen Connally, President
Cuyahoga County Council
Cuyahoga County Administration Building
1219 Ontario Street, 4th Floor
Cleveland, OH 44113

Re: Cuyahoga Arts and Culture Board of Trustees

Dear President Connally:

Pursuant to Ohio Revised Code Section 3381.05, I submit for Council's confirmation, the following nominations for the Cuyahoga Arts and Culture Board of Trustees:

- **Victoria Eaton Johnson**
- **Sari Feldman.**

I have attached a brief synopsis of the background and qualifications of each of the nominees for your review. Both Ms. Johnson and Ms. Feldman are current members of the CAC's Board of Trustees and their continued presence on this body is vital for the continuity of the excellent work being performed by this entity. Additionally, as we approach the renewal of the CAC's levy, it is imperative that the Board of Trustees be consistent and dedicated in efforts to promote the continued need for public engagement and support.

Upon confirmation, each of the above nominees will immediately commence service on the Board and each will serve a three year term on this Board.

I ask that these appointments be set for confirmation as soon as possible. Should you or any of your colleagues have any questions, please feel free to contact my Special Assistant, James Boyle at 216-698-2089.

Sincerely,

Edward FitzGerald
Cuyahoga County Executive

cc: Victoria E. Johnson
Sari Feldman

Victoria Eaton Johnson, executive director, Fairfax Renaissance Development Corporation

Ms. Eaton Johnson is a community development professional that has integrated public art and the cultivation of arts organizations into the redevelopment of the Fairfax neighborhood. Ms. Eaton Johnson has directed over \$90 million of investment in the Fairfax neighborhood, which includes public art commissions. She managed Cleveland's Housing Construction Office and was the housing director for Hough Area Partners in Progress. She is a past board member for Karamu House. She holds a Bachelor of Arts Degree from Baldwin-Wallace College and a Masters in Public Administration from Cleveland State University (CSU). Ms. Eaton Johnson has received a number of awards and recognition for her community service including the Emerging Leadership Award from CSU and Cleveland Clinic's Leadership in Service Award.

Sari Feldman, director, Cuyahoga County Public Library

Ms. Feldman is the director of the Cuyahoga County Public Library (CCPL) system. Cuyahoga County Library is recognized regionally and nationally for its arts and culture programming. Under Ms. Feldman's leadership CCPL has formed a collaborative program with local museums to increase public attendance at museum facilities. She is a published author that includes but is not limited to *Learning Environments for Young Children: Rethinking Library Spaces and Services* and *Serving Families and Children Through Partnerships*. She holds a Bachelor of Arts in English from the State University of New York at Bingham and a Masters of Arts in Library Science from the University of Wisconsin, Madison. Her professional affiliations include The Literacy Cooperative, American Library Association and Center for Community Solutions just to name a few. Her awards are numerous and include Jane Donelson Player of the Year, USA Toy Library Association; Everyday Superhero, Cleveland Clinic; and YWCA Woman of Achievement.

COUNTY COUNCIL OF CUYAHOGA COUNTY, OHIO

MOTION NO. M2012-0018

Sponsored by: Council President Connally

A Motion confirming the County Executive's appointment of individuals to serve on the Cuyahoga County Public Defender Commission, and declaring the necessity that this Motion become immediately effective.

WHEREAS, the Cuyahoga County Public Defender Commission was created pursuant to the provisions of ORC Section 120.13; and,

WHEREAS, the powers and duties of the Cuyahoga County Public Defender Commission are established pursuant to ORC Section 120.14, which include: recommending an annual operating budget of the office of the County Public Defender, establishing operational standards of the office of the County Public Defender, and determining the qualification and size of the supporting staff of the office in an effort to provide essential legal representation to indigent persons in the County; and,

WHEREAS, pursuant to ORC Section 120.13, the Cuyahoga County Public Defender Commission shall have five members with a term of office of four years; and,

WHEREAS, County Charter Section 6.04, entitled Special Boards and Commissions, states that "[w]hen general law or any agreement with another public agency or court order provides for appointment of members of a special board or commission or other agency by the board of county commissioners, such appointment shall be made by the County Executive, subject to confirmation by the Council;" and,

WHEREAS, the County Executive has nominated Phyllis L. Crocker and Gordon Friedman to serve on the Cuyahoga County Public Defender Commission; and,

WHEREAS, this Council by a vote of at least eight (8) members determines that it is necessary that this Motion become immediately effective in order that Charter requirements can be complied with and critical services provided by Cuyahoga County can continue, and to provide for the usual, daily operation of a County Board.

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

SECTION 1. The Council of Cuyahoga County, Ohio, hereby confirms the appointment of Phyllis L. Crocker and Gordon Friedman to serve on the Cuyahoga County Public Defender Commission, commencing immediately.

SECTION 2. It is necessary that this Motion become immediately effective in order that critical services provided by Cuyahoga County can continue, and to continue the usual and daily operation of the County. Provided that this Motion receives the affirmative vote of eight members of Council, this Motion shall become immediately effective.

SECTION 3. It is found and determined that all formal actions of this Council concerning and relating to the passage of this Motion were passed in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public, and in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

On a motion by _____, seconded by _____, the foregoing Motion was duly approved.

Yeas:

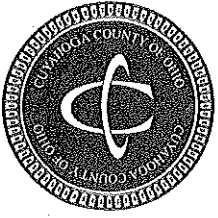
Nays:

County Council President Date

Clerk of Council Date

First Reading/Referred to Committee:
Committee(s) Assigned:

Journal _____
_____, 2012



EDWARD FITZGERALD
Cuyahoga County Executive

April 20, 2012

APR 25 2012

Cuyahoga County Council

C. Ellen Connally, President
Cuyahoga County Council
Cuyahoga County Administration Building
1219 Ontario Street, 4th Floor
Cleveland, OH 44113

Re: Cuyahoga County Public Defender Commission

Dear President Connally:

Pursuant to Ohio Revised Code Section 120.13, I submit the following nominees to serve on the Cuyahoga County Public Defender Commission:

- **Phyllis L. Crocker; and,**
- **Gordon Friedman.**

The Public Defender Commission is composed of five members who recommend an annual operating budget of the office of the County Public Defender, establish operational standards of the office of the County Public Defender and determine the qualification and size of the supporting staff of the office in an effort to provide essential legal representation to indigent persons in this county. Additionally, as detailed in Section 12.09 of the County Charter, when the initial Charter Review Commission is named, it must specifically address appropriate the funding and support of the office of the County Public Defender in an effort to provide the most effective delivery of legal services.

If confirmed, each Commission member will serve a four-year term. I have attached biographical information about both of these individuals for your review. While not required by Ohio law, both of these nominees are lawyers with diverse experience and qualifications. Both of these individuals are ideally suited to service on this important Commission.

I ask that these appointments be set for confirmation as soon as possible. Should you or any of your colleagues have any questions, please feel free to contact my Special Assistant, James Boyle at 216-698-2089.

Sincerely,

Edward FitzGerald
Cuyahoga County Executive

PHYLLIS L. CROCKER
Cleveland Heights, OH 44118
phyllis.crocker@law.csuohio.edu

EDUCATION

NORTHEASTERN UNIVERSITY SCHOOL OF LAW, Boston, MA
J.D., 1985

YALE UNIVERSITY, New Haven, CT
B.A., 1978

Pearson Prize, Best American Studies Senior Thesis

EMPLOYMENT

CLEVELAND-MARSHALL COLLEGE OF LAW, Cleveland State University, Cleveland, OH
August 1994 - present

Interim Dean, March 2010-June 2011

Professor since 2005; previously Assistant Professor of Law, 1994-1998,
Associate Professor of Law, with tenure, 1999-2004

Teaching Criminal Procedure I and II, Capital Punishment, Civil Procedure
I and II, Criminal Law, Externships

Associate Dean for Academic Affairs, Summer 2006-Summer 2010

Visiting Professor of Law, Northeastern University School of Law, Winter/Spring
2004, Teaching Criminal Justice (first year)

College of Law Committees: Admissions (1994-2005, Chair 2001-2005); Criminal
Justice Forum Series (1998-present); Committee on High Achievement (1999-
2000); Curriculum (1994-1996); Faculty Affairs (1994-98, 2002-03); Faculty
Appointments (1998-99); Faculty Research and Development (1994-95); Judicial
Clerkships (1994-1998); Personnel Action Committee Subcommittees 2001-2003
(Chair 2002 and 2003); Self-Study (2004-06), (Chair, 2011-12); Professional Staff
Hiring Committees (2006-present)

University Committees: Curriculum (1995-97); Law Dean Search Committee
(2004-05, Vice-Chair); Faculty Senate (1998-2000); Research Council (2001-
2004); Strategic Planning (2005-06); Vice President for Advancement Search
Committee (2011); Deans' Council (2010-11)

Advisor: Women Students' Law Association (1995-present)

TEXAS RESOURCE CENTER, Austin, TX
September 1989 - June 1994

Staff Attorney at federally-funded death penalty resource center. Co-counsel on *Herrera v. Collins*, 506 U.S. 390 (1993).

HARTUNIAN, FUTTERMAN & HOWARD, CHTD., Chicago, IL
October 1986 - August 1989

Associate in small firm specializing in complex federal litigation.

UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT
September 1985 - August 1986

Law Clerk to the Honorable Warren J. Ferguson.

SELECTED PUBLICATIONS

KATZ & GIANNELLI, CRIMINAL LAW (3D ED. 2009) (co-author since 2006) part of Baldwin's Ohio Practice Series

Appointed But (Nearly) Prevented from Serving: My Experiences as a Grand Jury Foreperson, 2 OHIO ST. J. CRIM. L. 289 (2004)

Not to Decide is to Decide: The U.S. Supreme Court's Thirty-Year Struggle with One Case About Competency to Waive Death Penalty Appeals, 49 WAYNE L. REV. 885 (2004) (lead article)

Is the Death Penalty Good for Women, 4 BUFF. CRIM. L. REV. 917 (2001)

Crossing the Line: Rape-Murder and the Death Penalty, 26 OHIO N.U. L. REV. 689 (Symposium Issue 2000)

Childhood Abuse and Adult Murder: Implications for the Death Penalty, 77 N.C. L. REV. 1143 (1999)

Feminism and Defending Men on Death Row, 29 ST. MARY'S L.J. 981 (Symposium Issue 1998)

Concepts of Culpability and Deathworthiness: Differentiating Between Guilt and Punishment in Death Penalty Cases, 66 FORDHAM L. REV. 21 (1997)

WORKS IN PROGRESS

Hastening Death: Comparing How Courts and Mental Health Professionals Treat the Request to Die By Death Row Inmates and Terminally Ill Persons

SELECTED PRESENTATIONS

The Future of the Death Penalty: Reform, Abolition, Status Quo?, Criminal Justice Forum I, Cleveland-Marshall College of Law, October 20, 2009

The ABA Report on the Ohio Death Penalty, The ABA Death Penalty Report, Innocence and E-Discovery, The Akron Bar Association & The University of Akron School of Law, Akron, Ohio, October 1, 2009

The Death Penalty in Ohio: Is it Fair and Accurate?, The Intown Club, Cleveland, Ohio, November 10, 2008

Ohio's Death Penalty Symposium, Presenter, Black Lawyers Association of Cincinnati, Ohio, June 21, 2008

Town Hall Meeting on Ohio's Death Penalty. Panelist and Organizer, Cleveland Metropolitan Bar Association, May 20, 2008

Bar Association Law Day Speaker, *Fairness and the Ohio Death Penalty*, City Club of Cleveland, May 2, 2008

Debate on the Ohio Death Penalty, Seasongood College Visitor, University of Cincinnati College of Law, March 18, 2008

Ohio's Death Penalty: Is it Fair and Just?, Rotary International (Cleveland), November 2007

What's Wrong with Ohio's Death Penalty System?, Cleveland ACLU Series "Broken Justice: The Death Penalty in Ohio," May 23, 2006

The Legacy of Rees v. Peyton, 384 U.S. 312 (1966): Challenging Competency to Waive or Continue Further Death Penalty Appeals, The Second Annual Hy Friedman Memorial Seminar, Cuyahoga Public Defenders and Cuyahoga County Bar Association, Cleveland, OH, May 19, 2005

The Corrupting Power of the Death Penalty in Rape-Murder Cases, Beyond Prosecution: Sexual Assault Victims' Rights in Theory and Practice, Suffolk University Law School, Boston, MA, April 16, 2004

Appointed but Nearly Prevented From Serving: My Experience as a Grand Jury Foreperson, Faculty Speaker Series, Cleveland-Marshall College of Law, Sept. 30, 2003

The Injustice of the Death Penalty: Race, Sex, and Rape-Murder, Executing Justice: America and the Death Penalty, Law and Society Program, Univ. of California at Santa Barbara, CA, April 25-26, 2003

Rape-Murder and the Death Penalty, Panel on Feminism and the Death Penalty, National Conference of the National Coalition to Abolish the Death Penalty, Chicago, IL, Oct. 24-27, 2002

The Death Penalty in the New Millennium, International Law Symposium, The Cuyahoga County Bar Association and The Hispanic Bar Association, Cleveland, OH, Nov. 7, 2001

The Bounty of Unfettered Research: Uncovering the History of Rees v. Peyton, 384 U.S. 312 (1966), dismissed 516 U.S. 989 (1995), Cleveland-Marshall College of Law Faculty Presentation, Oct. 3, 2001

Invigorating the Difference Between Culpability and Deathworthiness, Addressing Capital Punishment Through Statutory Reform Symposium, The Ohio State University College of Law, Columbus, OH, Mar. 31, 2001

Feminism and Representing Men on Death Row, Twenty Five Years After Furman v. Georgia: A Symposium, St. Mary's University School of Law, San Antonio, TX, Mar. 7, 1998

Child Abuse and Mitigation: Uncovering the Unspeakable, and New Ideas in Mitigation: Looking Beyond a Bad Childhood, The Annual Death Penalty Seminar, Ohio Association of Criminal Defense Lawyers, Columbus, OH, Nov. 14, 1997

Investigation and Pleadings for Post-Conviction Relief, The Death Penalty Seminar, Cuyahoga Criminal Defense Lawyers Association, Cleveland, OH, May 3, 1996 and The Annual Death Penalty Seminar, Ohio Association of Criminal Defense Lawyers, Columbus, OH, Nov. 29, 1995

HONORS AND AWARDS

2010 YWCA Women of Professional Excellence Award

2009 and 2008 Cleveland State University Administrative Merit Recognition Award

2004 Cleveland State University Faculty Merit Recognition Award

2000 Cleveland State University Established Full-Time Faculty Research and Development Grant

2000 Cleveland-Marshall College of Law Excellence in Faculty Writing Award

1999 Cleveland-Marshall College of Law Howard Oleck Award for Distinguished Legal Writing by a Faculty Member

PROFESSIONAL SERVICE

Member, Ohio Supreme Court and Ohio State Bar Association Joint Task Force to Review the Administration of Ohio's Death Penalty (appointed 2011)

Steering Committee, ABA Death Penalty Moratorium Project, 2010-present

Chair, American Bar Association Ohio Death Penalty Assessment Team 2005-2007, EVALUATING FAIRNESS AND ACCURACY IN STATE DEATH PENALTY SYSTEMS: THE OHIO DEATH PENALTY ASSESSMENT REPORT (2007)

Regional Member, Ohio Judicial Appointments Recommendation Panel for the Cuyahoga County Domestic Relations Court, February 2009

Editorial Board, JOURNAL OF AGGRESSION, MALTREATMENT AND TRAUMA (Haworth Press)

Grand Jury Foreperson, Cuyahoga County Court of Common Pleas May Term 2003

William K. Thomas Inn of Court, Bencher since 2002, Exec. Comm. 2005-06, 2007-10, Program Co-Chair 2005-06, 2009-10

Cleveland Metropolitan Bar Association, Board of Trustees 2010-2011

PROFESSIONAL AFFILIATIONS

American Bar Association

American Bar Foundation, Fellow

Cleveland Metropolitan Bar Association

Cleveland Metropolitan Bar Foundation, Fellow

Illinois Bar, Member (inactive)

Society of American Law Teachers, Member

U.S. Supreme Court, Member

James Boyle - Boards and Commissions Form - Office of Boards and Commissions

From: <donotreply@cuyahogacounty.us>
To: <Jboyle@cuyahogacounty.us>
Date: 3/23/2012 11:05 AM
Subject: Boards and Commissions Form - Office of Boards and Commissions

A Web site user submitted the Boards and Commissions Form with the following information:

Last Name : Friedman

First Name : Gordon

City : Cleveland

State : Ohio

Zip : 44113

Phone Number : 216 2411430

Email Address : gorlaw@ f-g law.com

Please select the boards/commissions/councils you would like to be considered for. : Public Defenders Commission

Why are you interested in serving on this board/commission/council? : I have been an active member of the Public Defender's Commission since 1992 and was originally selected by Commissioners Hagan and Boyle. I am a former member of the Public Defenders Office and a practicing criminal defense attorney. I have taught criminal law and procedure at Cleveland Marshall College of Law since 1972 and lecture frequently on issues relating to criminal law and the Constitution as well as civil rights.

What qualities do you possess that would make you a good candidate to serve on this board/commission/council? : My experience as a lawyer and teacher in our community.

What professional experience do you have that would make you a good candidate to serve on this board/commission/council? : Experience as a practicing criminal defense attorney as well active participation in Bar organizations dealing with representation of indigent defendants in the criminal justice system.

Are there any relationships, including but not limited to business or family relationships, that may be perceived as creating a conflict of interest for your service on the Board and/or Commission for which you have applied? If so, please detail the circumstances: : not applicable

COUNTY COUNCIL OF CUYAHOGA COUNTY, OHIO

MOTION NO. M2012-0004

Sponsored by: Councilmembers Miller and Greenspan	A Motion amending various Rules of the Cuyahoga County Council; and declaring the necessity that this Motion become immediately effective.
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WHEREAS, the Cuyahoga County Charter provides in Article 2, Section 10, Subsection 2 that the Cuyahoga County Council shall adopt its own rules; and

WHEREAS, the Council's purpose and intent in adopting these rules is to develop operating procedures for the Council that are clear and understandable, promote fair and orderly conduct of the Council's business, facilitate openness and public participation, provide for easy access to public records, and encourage ethical conduct; and

WHEREAS, Council approved permanent rules on April 26, 2011 in Motion No. M2011-0007; and

WHEREAS, Council deems it necessary to amend the permanent Rules of Council in order to provide for a more orderly agenda in Rule 6A, to address recusal issues in Rule 10A, to provide a process for members to withdraw legislation in Rule 11F, and to align the appointment of Committee Chairs, Vice-Chairs and Members in Rule 12I with standing committee appointments in Rule 12H and to provide for various renumbering in reference to the above changes.

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

SECTION 1. The Rules of Cuyahoga County Council, approved by Council in Motion No. M2011-0007, are hereby amended in part to read as follows (additions are bolded and underlined; deletions are stricken out):

Rule 6A: Order of Business

The business of Council shall be conducted in the following order:

- (1) Call meeting to order
- (2) Roll Call
- (3) The Pledge of Allegiance to the flag of the United States of America
- (4) Silent meditation

- (5) Public comment relating to today's agenda
- (6) Approval of minutes
- (7) Messages from the Executive
- (8) Consideration of Ceremonial Resolutions
- (9) Consideration of Motions of Council
- (10) First reading of legislation by title
- (11) Consideration of motions for first reading adoption under suspension of rules
- (12) Committee reports and second reading of legislation by title
- (13) Consideration of motions for second reading adoption under suspension of rules
- (14) Consideration of legislation being read by title for the third time or more
- (15) Report by Clerk on legislation withdrawn at request of sponsor(s)**
- ~~(15)~~**(16)** Miscellaneous committee reports
- ~~(16)~~**(17)** Miscellaneous business
- ~~(17)~~**(18)** Public comment not relating to today's agenda
- ~~(18)~~**(19)** Adjournment of meeting

~~Rule 6B: Council Authority to Determine Agenda~~

~~The Council may, by adoption of a parliamentary motion, change the order of business or add items to or delete items from the order of business at any meeting of Council. Rule 6A shall not apply to an Organizational Meeting of Council, at which the Council shall adopt its own order of business and agenda by parliamentary motion.~~

Rule 10A: Duty to Vote and Recusal

Every Member present shall vote on every question in Council or in committee, unless the Member has recused him/herself. A Member shall recuse him/herself from voting whenever the Member has a personal or monetary interest in any

manner under consideration or when **believes that** voting on the matter could for any reason constitute a violation of state or county ethics law.

Rule 11F: Expiration of Pending Legislation

- (1) Prior to the end of each year in which a General Election for Members of Council takes place, the Council shall consider a Motion of Council, providing that legislation introduced prior to July 1 of that year and not adopted shall expire. At least two weeks prior to the consideration of that Motion of Council, the Clerk shall provide each Member a list of legislation sponsored by that Member that is set to expire. The Council may adopt this Motion of Council so as to decide which items of legislation set to expire shall expire.
- (2) **In addition, legislation may be withdrawn at any time by letter to the Clerk from all of the sponsors and cosponsors of the legislation, requesting that it be withdrawn. The letter may be sent by electronic mail. At each meeting of Council, the Clerk shall announce any legislation that has been withdrawn by letter, and the items withdrawn shall be listed in the minutes of the meeting.**

Rule 12I: President to Appoint Committees

Not later than the second Regular Council Meeting ~~in each calendar year~~ **following each Organizational Meeting**, the President shall appoint the Chairperson, Vice-Chairperson, and Members for each standing committee. The President shall, to the best extent possible, make committee assignments that reflect the interests and experience of Members.

SECTION 2. Effective Date. Provided that this Motion receives the affirmative vote of at least eight (8) of the members of Council, it shall take effect immediately upon adoption by Council. It is hereby determined to be necessary that this Motion become immediately effective in order that the County Council continue to have operating rules in place without interruption, and so that the usual and daily operations of county government may continue to function.

SECTION 3. It is found and determined that all formal actions of the Council and Council committees relating to the adoption of this motion occurred in open meetings and that all deliberations of this Council and any of its committees that resulted in such formal action took place in meetings open to the public, in compliance with all legal requirements, including those of Section 121.22 of the Ohio Revised Code.

On a motion by _____, seconded by _____, the foregoing Motion was duly approved.

Yeas:

Nays:

County Council President

Date

Clerk of Council

Date

First Reading/Referred to Committee: February 14, 2012

Committee(s) Assigned: Rules, Charter Review, Ethics & Council Operations

Journal CC006

May 8, 2012

COUNTY COUNCIL OF CUYAHOGA COUNTY, OHIO

MOTION NO. M2012-0015

Sponsored by: Council President Connally

A Motion confirming the County Executive's appointment of various Mayors to serve on the Cuyahoga County Planning Commission, and declaring the necessity that this Motion become immediately effective.

WHEREAS, Charter Section 6.04, entitled Special Boards and Commissions, states that "[w]hen general law or any agreement with another public agency or court order provides for appointment of members of a special board or commission or other agency by the board of county commissioners, such appointment shall be made by the County Executive, subject to confirmation by the Council;" and,

WHEREAS, the Cuyahoga County Planning Commission is authorized by Ohio Revised Code Section 713.22 in which its members serve three year terms; and,

WHEREAS, County Executive Ed FitzGerald has nominated the following Mayors for appointment to the Cuyahoga County Planning Commission:

- 1) Mayor Daniel J. Ursu, Richmond Heights (Hillcrest Region)
- 2) Mayor Susan K. Infeld, University Heights (Heights Region)
- 3) Mayor Michael P. Byrne, Parma Heights (South Central Region)
- 4) Mayor Kathy U. Mulcahy, Orange Village (Chagrin/Southeast Region); and,

WHEREAS, this Council by a vote of at least eight (8) members determines that it is necessary that this Motion become immediately effective in order that Charter requirements can be complied with and critical services provided by Cuyahoga County can continue, and to provide for the usual, daily operation of a County Board.

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

SECTION 1. The Council of Cuyahoga County, Ohio, hereby confirms the appointment of the following Mayors to serve on the Cuyahoga County Planning Commission:

- 1) Mayor Daniel J. Ursu, Richmond Heights (Hillcrest Region)
- 2) Mayor Susan K. Infeld, University Heights (Heights Region)
- 3) Mayor Michael P. Byrne, Parma Heights (South Central Region); and,
- 4) Mayor Kathy U. Mulcahy, Orange Village (Chagrin/Southeast Region).

SECTION 2. It is necessary that this Motion become immediately effective in order that critical services provided by Cuyahoga County can continue, and to continue the usual and daily operation of the County. Provided that this Motion receives the affirmative vote of eight members of Council, this Motion shall become immediately effective.

SECTION 3. It is found and determined that all formal actions of this Council concerning and relating to the passage of this Motion were passed in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public, and in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

On a motion by _____, seconded by _____, the foregoing Motion was duly approved.

Yeas:

Nays:

County Council President Date

Clerk of Council Date

First Reading/Referred to Committee: April 10, 2012
Committee(s) Assigned: Human Resources, Appointments & Equity

Journal CC006
May 8, 2012

COUNTY COUNCIL OF CUYAHOGA COUNTY, OHIO

MOTION NO. M2012-0016

Sponsored by: Council President Connally

A Motion confirming the County Executive's appointment of Bonita Teeuwan to serve on the Cuyahoga County Justice Center Building Committee, and declaring the necessity that this Motion become immediately effective.

WHEREAS, the Justice Center serves as the center of operations for the legal and justice affairs of both the City of Cleveland and Cuyahoga County; and,

WHEREAS, the purpose of the Committee is to coordinate the use, operation and maintenance of the Justice Center; and,

WHEREAS, according to the Cuyahoga County Justice Center Building Committee by-laws, "the Committee shall be comprised of one representative each from the following offices: the County Prosecutor, the Clerk of the Court of Common Pleas, the County Sheriff, a person appointed by the Judges of the Court of Common Pleas, the three County Commissioners, a person appointed by the Municipal Judges, the City Clerk of Courts, the City Prosecutor and the Mayor of the City"; and,

WHEREAS, the individual appointed will be appointed to fill a vacancy as a County Official and shall have a term commencing immediately upon signature of this Motion; and,

WHEREAS, the Cuyahoga County Charter Section 6.04, entitled Special Boards and Commissions, states that "[w]hen general law or any agreement with another public agency or court order provides for appointment of members of a special board or commission or other agency by the board of county commissioners, such appointment shall be made by the County Executive, subject to confirmation by the Council;" and,

WHEREAS, the County Executive has nominated Bonita Teeuwan, Cuyahoga County Director of Public Works, to serve on the Cuyahoga County Justice Center Building Committee; and,

WHEREAS, this Council by a vote of at least eight (8) members determines that it is necessary that this Motion become immediately effective in order that Charter requirements can be complied with and critical services provided by Cuyahoga

County can continue, and to provide for the usual, daily operation of a County Board.

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

SECTION 1. The Council of Cuyahoga County hereby confirms the appointment of Bonita Teeuwan, to serve on the Cuyahoga County Justice Center Building Committee to fill a vacancy, commencing immediately.

SECTION 2. It is necessary that this Motion become immediately effective in order that critical services provided by Cuyahoga County can continue, and to continue the usual and daily operation of the County. Provided that this Motion receives the affirmative vote of eight members of Council, this Motion shall become immediately effective.

SECTION 3. It is found and determined that all formal actions of this Council concerning and relating to the passage of this Motion were passed in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public, and in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

On a motion by _____, seconded by _____, the foregoing Motion was duly approved.

Yeas:

Nays:

County Council President

Date

Clerk of Council

Date

First Reading/Referred to Committee: April 24, 2012

Committee(s) Assigned: Human Resources, Appointments & Equity

Journal CC006

May 8, 2012

County Council of Cuyahoga County, Ohio

Resolution No. R2012-0076

Sponsored by: Council President Connally	A Resolution authorizing the Office of Budget & Management to create a special fund for the purpose of accepting a deposit of funds in the amount of \$211,018.26 from the Soldiers' and Sailors' Monument Support Group (Federal ID No. 34-1949122); directing that said funds be used for extraordinary maintenance and capital improvements for the Cuyahoga County Soldiers' and Sailors' Monument; and declaring the necessity that this Resolution become immediately effective.
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WHEREAS, Article 3, Section 9, Subsection 5 of the Cuyahoga County Charter gives County Council the power to adopt and amend the County's operating budget and capital improvements program and to make appropriations for the County; and,

WHEREAS, Article 3, Section 9, Subsection 7 of the Cuyahoga County Charter gives County Council the power to provide for the acquisition, construction, maintenance, administration, rental, and leasing of property, including buildings and other public improvements; and,

WHEREAS, pursuant to the Ohio Revised Code Chapter 345 and prior Ohio statutes, the Cuyahoga County Soldiers' and Sailors' Monument was created in 1894 and is operated and maintained by the Cuyahoga County Soldiers' and Sailors' Monument Commission; and,

WHEREAS, the Soldiers' and Sailors' Monument Support Group, a nonprofit 501(c)(3) organization, was created in part to help raise money to maintain the Cuyahoga County Soldiers' and Sailors' Monument; and,

WHEREAS, starting in 2004, an award winning restoration project was undertaken by the Cuyahoga County Soldiers' and Sailors' Monument Commission; and,

WHEREAS, Cuyahoga County provided approximately two million dollars (\$2,000,000.00) to pay for the costs of rehabilitating, renovating and otherwise improving in and around the Cuyahoga County Soldiers' and Sailors' Monument ("the Restoration Project"), with the understanding that the Support Group would work to raise funds for the Restoration Project; and,

WHEREAS, the Support Group raised public and private funds for the restoration project; and,

WHEREAS, the Support Group; through the Commission, has raised and provided to Cuyahoga County \$598,614.84 and paid \$43,206.74 directly for work done for the Restoration Project, and has a remaining balance of \$211,018.26 from funds raised for the Restoration Project that have not been provided to Cuyahoga County; and,

WHEREAS, Cuyahoga County understands that there are additional capital needs for the facility and there may be unanticipated extraordinary maintenance needs; and,

WHEREAS, Cuyahoga County desires to continue to provide for the Cuyahoga County Soldiers' and Sailors' Monument to remain a preeminent perpetual symbol of the participation of the citizens of the County in the American Civil War; and,

WHEREAS, Cuyahoga County desires, once the \$211,018.26 is given to the County, to direct that the funds be allocated to the Cuyahoga County Soldiers' and Sailors' Monument Commission for extraordinary maintenance and capital needs of the facility.

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

SECTION 1. That the County Council hereby authorizes the Cuyahoga County Office of Budget & Management to create a special fund for the purpose of accepting a deposit of funds in the amount of \$211,018.26 from the Soldiers' and Sailors' Monument Support Group, and directing that said funds be used for extraordinary maintenance and capital improvements for the Cuyahoga County Soldiers' and Sailors' Monument.

SECTION 2. That to access said funds, the Cuyahoga County Soldiers' and Sailors' Monument Commission must request approval from the Cuyahoga County Council on a case-by-case basis; such approval to be granted only for the use of funds related to specific expenses and projects for extraordinary maintenance and capital improvements of the Cuyahoga County Soldiers' and Sailors' Monument.

SECTION 3. That once approved by the County Council, specific funds approved shall be transferred into the Cuyahoga County Soldiers' and Sailors' Monument line-item budget for use for the approved project(s).

SECTION 4. It is necessary that this Resolution become immediately effective in order that critical services provided by Cuyahoga County can continue without interruption, and to provide for the usual, daily operation of a county department; therefore, this Resolution, provided it receives the affirmative vote of eight members of Council, shall become effective immediately upon the signature of the County Executive; otherwise it shall be in full force and effect from and immediately after the earliest time permitted by law.

SECTION 5. 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 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 _____, seconded by _____, the foregoing Resolution was duly adopted.

Yeas:

Nays:

County Council President

Date

County Executive

Date

Clerk of Council

Date

First Reading/Referred to Committee:
Committee(s) Assigned:

Journal _____
_____, 2012

County Council of Cuyahoga County, Ohio

Ordinance No. O2012-0004

Sponsored by: Councilmember Greenspan	An Ordinance amending the Cuyahoga County Code of Ethics, as amended, and declaring the necessity that this Ordinance become immediately effective.
--	--

WHEREAS, the Cuyahoga County Council enacted a permanent Code of Ethics in Ordinance No. O2011-0008, which was signed by the Cuyahoga County Executive and went into effect on April 8, 2011, and was amended by Ordinance No. O2011-0023 effective April 26, 2011, by Ordinance No. O2011-0035 effective July 26, 2011, by Ordinance No. O2011-0052 effective October 25, 2011, and by Ordinance No. O2012-0002 effective January 10, 2012; and,

WHEREAS, after a year in existence, it is necessary to amend the Code of Ethics to address any inconsistencies therein and streamline for better operation of government; and,

WHEREAS, it is necessary that this Ordinance become immediately effective in order that critical services provided by Cuyahoga County can continue and to continue the usual and daily operation of the County.

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

SECTION 1. The Cuyahoga County Code of Ethics, adopted as Ordinance No. O2011-0008, effective April 8, 2011, as amended by Ordinance No. O2011-0023 on April 26, 2011, by Ordinance No. O2011-0035 on July 26, 2011, by Ordinance No. O2011-0052 effective October 25, 2011, and by Ordinance No. O2012-0002 effective January 10, 2012, is hereby amended to read as amended in the exhibit attached hereto (additions are bolded, deletions are stricken out).

SECTION 2. It is necessary that this Ordinance become immediately effective in order that critical services being provided by Cuyahoga County can continue without interruption, and to continue the usual daily operation of the County. Provided that this Ordinance receives the affirmative vote of eight members of Council, this Ordinance shall become immediately effective upon the signature of the County Executive.

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 _____, seconded by _____, the foregoing Ordinance was duly enacted.

Yeas:

Nays:

County Council President

Date

County Executive

Date

Clerk of Council

Date

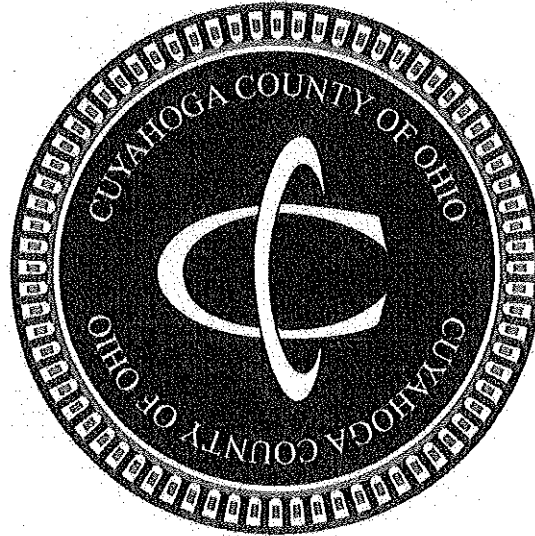
First Reading/Referred to Committee: February 14, 2012

Committee(s) Assigned: Rules, Charter Review, Ethics & Council Operations

Second Reading: May 8, 2012

Journal _____
_____, 2012

Cuyahoga County Ethics Ordinance



Cuyahoga County Council

Rules, Charter Review, Ethics and Council Operations Committee

Dave Greenspan, Chair

Dale Miller, Vice Chair

C. Ellen Connally

Sunny Simon

Dan Brady

Adopted: April 8, 2011

Amended: April 26, 2011

Amended: July 26, 2011

Amended: October 25, 2011

Amended: January 10, 2012

Amended: _____, 2012

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ARTICLE I: PURPOSE AND OVERVIEW OF ORDINANCE

Section 1. Purpose

This Ordinance, including the definitions, is adopted to:

- (A) Identify the minimum standards of ethical conduct which Public Officials and Employees must meet;
- (B) Educate Public Officials and Employees, in the principles of ethics and all applicable provisions of this Ordinance;
- (C) Encourage Public Officials and Employees to pursue the highest ethical standards;
- (D) Provide a process by which Public Officials and Employees may identify and resolve ethical issues;
- (E) Provide a process to ensure the prompt disclosure by Public Officials and Employees of serious unethical practices, and encourage others to do the same;
- (F) Provide a fair and impartial process by which alleged violations of this Ordinance may be heard;
- (G) Provide for a just and reasonable balance among the rights of all individuals who are directly affected by the operation of this Ordinance; and
- (H) Establish penalties, as appropriate, for Public Officials and Employees who violate the public trust.

Section 2. Overview

The Cuyahoga County Ethics Ordinance contains three components.

1. Articles II, III, IV and V are the Ohio Ethics Laws that pertain to County governments as outlined in the Ohio Revised Code.
2. Article VI includes Other Ohio Revised Code sections that are included in this Ordinance, and
3. Articles VII, VIII and IX contain additional County provisions which are consistent with and strengthen existing state law.

Together, these Articles constitute the minimum standards for ethical behavior for those who represent the County.

ARTICLE II. THE OHIO ETHICS LAW: CHAPTER 102. OF THE OHIO REVISED CODE

Section 1. Definitions

OHIO REVISED CODE (ORC) 102.01

As used in this Ordinance:

- (A) "Compensation" means money, thing of value, or financial benefit. "Compensation" does not include reimbursement for actual and necessary expenses incurred in the performance of official duties.
- (B) "Public official or employee" means any person who is elected or appointed to an office or is an employee of any public agency. "Public official or employee" does not include a person elected or appointed to the office of precinct, ward, or district committee member under section 3517.03 of the Ohio Revised Code, any presidential elector, or any delegate to a national convention. "Public official or employee" does not include a person who is a teacher, instructor, professor, or other kind of educator whose position does not involve the performance of, or authority to perform, administrative or supervisory functions.
- (C) "Public agency" means the County. "Public agency" does not include a department, division, institution, board, commission, authority, or other instrumentality of the County that functions exclusively for cultural, educational, historical, humanitarian, advisory, or research purposes; that does not expend more than ten thousand dollars per calendar year, excluding salaries and wages of employees; and whose members are uncompensated.
- (D) "Immediate family" means a spouse residing in the person's household and any dependent child.
- (E) "Income" includes gross income as defined and used in the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C. 1, as amended, interest and dividends on obligations or securities of any state or of any political subdivision or authority of any state or political subdivision, and interest or dividends on obligations of any authority, commission, or instrumentality of the United States.
- (F) Section not applicable to County government.
- (G) "Anything of value" has the same meaning as provided in section 1.03 of the Ohio Revised Code and includes, but is not limited to, a contribution as defined in section 3517.01 of the Ohio Revised Code.
- (H) "Honorarium" means any payment made in consideration for any speech given, article published, or attendance at any public or private conference, convention, meeting, social event, meal, or similar gathering. "Honorarium" does not include ceremonial gifts or awards that have insignificant monetary value; unsolicited gifts of nominal value or trivial items of informational value; or earned income from any person, other than a legislative agent, for personal services that are customarily provided in connection with the practice of a bona fide business, if that business initially began before the public official or employee conducting that business was elected or appointed to the public official's or employee's office or position of employment.

- (I) “Employer” means any person who, directly or indirectly, engages an executive agency lobbyist or legislative agent.
- (J) Section not applicable to County government.
- (K) “Legislation,” “legislative agent,” “financial transaction,” and “actively advocate” have the same meanings as in section 101.70 of the Ohio Revised Code.
- (L) “Expenditure” has the same meaning as in section 101.70 of the Ohio Revised Code when used in relation to activities of a legislative agent, and the same meaning as in section 121.60 of the Ohio Revised Code when used in relation to activities of an executive agency lobbyist.

PROHIBITED CONDUCT - GENERAL

Section 2. Misuse of Official Position

OHIO REVISED CODE (ORC) 102.03 (A)

- (1) No present or former Public Official or Employee shall, during public employment or service or for twelve months thereafter, represent a client or act in a representative capacity for any person on any matter in which the Public Official or Employee personally participated as a Public Official or Employee through decision, approval, disapproval, recommendation, the rendering of advice, investigation, or other substantial exercise of administrative discretion.
- (2) This Ohio Revised Code (ORC) section not applicable to County government.
- (3) For twenty-four months after the conclusion of employment or service, no former Public Official or Employee who personally participated as a Public Official or Employee through decision, approval, disapproval, recommendation, the rendering of advice, the development or adoption of solid waste management plans, investigation, inspection, or other substantial exercise of administrative discretion under Chapter 343. or 3734. of the Ohio Revised Code shall represent a person who is the owner or operator of a facility, as defined in section 3734.01 of the Ohio Revised Code, or who is an applicant for a permit or license for a facility under that chapter, on any matter in which the Public Official or Employee personally participated as a Public Official or Employee.
- (4) This Ohio Revised Code (ORC) section not applicable to County government.
- (5) As used in the Ohio Revised Code (ORC) 102.03 (A)(1) and (3), “matter” includes any case, proceeding, application, determination, issue, or question, but does not include the proposal, consideration, or enactment of statutes, rules, Ordinances, resolutions, or charter or constitutional amendments. As used in the Ohio Revised Code (ORC) 102.03 (A), “represent” includes any formal or informal appearance before, or any written or oral communication with, any public agency on behalf of any person.

- (6) Nothing contained in the Ohio Revised Code (ORC) 102.03 (A) shall prohibit, during such period, a former Public Official or Employee from being retained or employed to represent, assist, or act in a representative capacity for the public agency by which the Public Official or Employee was employed or on which the Public Official or Employee served.
- (7) The Ohio Revised Code (ORC) 102.03 (A) shall not be construed to prohibit the performance of ministerial functions, including, but not limited to, the filing or amendment of tax returns, applications for permits and licenses, incorporation papers, and other similar documents.
- (8) This Ohio Revised Code (ORC) section not applicable to County government.

Section 3. Misuse of Confidential Information

OHIO REVISED CODE (ORC) 102.03 (B)

No present or former Public Official or Employee shall disclose or use, without appropriate authorization, any information acquired by the Public Official or Employee in the course of the Public Official's or Employee's official duties that is confidential because of statutory provisions, or that has been clearly designated to the Public Official or Employee as confidential when that confidential designation is warranted because of the status of the proceedings or the circumstances under which the information was received and preserving its confidentiality is necessary to the proper conduct of government business.

Section 4. Rate Making

OHIO REVISED CODE (ORC) 102.03 (C)

No Public Official or Employee shall participate within the scope of duties as a Public Official or Employee, except through ministerial functions as defined in the Ohio Revised Code (ORC)(A) in any license or ratemaking proceeding that directly affects the license or rates of any person, partnership, trust, business trust, corporation, or association in which the Public Official or Employee or immediate family owns or controls more than five per cent. No Public Official or Employee shall participate within the scope of duties as a Public Official or Employee, except through ministerial functions as defined in the Ohio Revised Code (ORC)(A) in any license or rate-making proceeding that directly affects the license or rates of any person to whom the Public Official or Employee or immediate family, or a partnership, trust, business trust, corporation, or association of which the Public Official or Employee or the Public Official's or employee's immediate family owns or controls more than five per cent, has sold goods or services totaling more than one thousand dollars during the preceding year, unless the Public Official or Employee has filed a written statement acknowledging that sale with the clerk or secretary of the public agency and the statement is entered in any public record of the agency's proceedings. This division shall not be construed to require the disclosure of clients of attorneys or persons licensed under section 4732.12 or 4732.15 of the Ohio Revised Code, or patients of persons certified under section 4731.14 of the Ohio Revised Code.

Section 5. Securing "Anything of Value"

OHIO REVISED CODE (ORC) 102.03 (D)

No Public Official or Employee shall use or authorize the use of the authority or influence of office or employment to secure "Anything of Value" or the promise or offer of "Anything of Value" that is of such a character as to manifest a substantial and improper influence upon the Public Official or Employee with respect to that person's duties.

Section 6. Soliciting or Accepting "Anything of Value"

OHIO REVISED CODE (ORC) 102.03 (E)

No Public Official or Employee shall solicit or accept "Anything of Value" that is of such a character as to manifest a substantial and improper influence upon the Public Official or Employee with respect to that person's duties.

Section 7. Giving Gifts to Public Officials and Employees

OHIO REVISED CODE (ORC) 102.03 (F)

No person shall promise or give to a Public Official or Employee "Anything of Value" that is of such a character as to manifest a substantial and improper influence upon the Public Official or Employee with respect to that person's duties.

Section 8. Receiving Campaign Contributions

OHIO REVISED CODE (ORC) 102.03 (G)

In the absence of bribery or another offense under the Ohio Revised Code (ORC) or a purpose to defraud, contributions made to a campaign committee, political party, legislative campaign fund, political action committee, or political contributing entity on behalf of an elected public officer or other Public Official or Employee who seeks elective office shall be considered to accrue ordinarily to the Public Official or Employee for the purposes in the Ohio Revised Code (ORC)(D), (E), and (F). As used in this division, "contributions," "campaign committee," "political party," "legislative campaign fund," "political action committee," and "political contributing entity" have the same meanings as in section 3517.01 of the Ohio Revised Code.

Section 9. Receiving Honoraria

OHIO REVISED CODE (ORC) 102.03 (H)(1)

No Public Official or Employee who is required to file a financial disclosure statement under section 102.02 of the Ohio Revised Code (ORC) shall solicit or accept, and no person shall give to that Public Official or Employee, an honorarium.

Section 10. Receiving Travel, Meals and Lodging Expenses - Exemption

OHIO REVISED CODE (ORC) 102.03 (H) and (I)

(H)(1) Except as provided in the Ohio Revised Code (ORC) 102.03 (D), (E), and (F) do not prohibit a Public Official or Employee who is required to file a financial disclosure statement under section 102.02 of the Ohio Revised Code (ORC) from accepting and do not prohibit a person from giving to that Public Official or Employee the payment of actual travel expenses, including any expenses incurred in connection with the travel for lodging, and meals, food, and beverages provided to the Public Official or Employee at a meeting at which the Public Official or Employee participates in a panel, seminar, or speaking engagement or provided to the Public Official or Employee at a meeting or convention of a national organization to which any County agency pays membership dues.

(2) This Ohio Revised Code (ORC) section not applicable to County government.

(I) A Public Official or Employee may accept travel, meals, and lodging or expenses or reimbursement of expenses for travel, meals, and lodging in connection with conferences, seminars, and similar events related to official duties if the travel, meals, and lodging, expenses, or reimbursement is not of such a character as to manifest a substantial and improper influence upon the Public Official or Employee with respect to that person's duties. This division does not preclude any person from seeking an advisory opinion from the appropriate ethics commission under section 102.08 of the Ohio Revised Code.

Section 11. Membership in Tax Exempt Organization - Exemption

OHIO REVISED CODE (ORC) 102.03 (J)

For purposes of Ohio Revised Code (ORC) 102.03(D), (E), and (F) the membership of a Public Official or Employee in an organization shall not be considered, in and of itself, to be of such a character as to manifest a substantial and improper influence on the Public Official or Employee with respect to that person's duties. As used in this division, "organization" means a church or a religious, benevolent, fraternal, or professional organization that is tax exempt under subsection 501(a) and described in subsection 501(c)(3), (4), (8), (10), or (19) of the "Internal Revenue Code of 1986." This division does not apply to a Public Official or Employee who is an employee of an organization, serves as a trustee, director, or officer of an organization, or otherwise holds a fiduciary relationship with an organization. This division does not allow a Public Official or Employee who is a member of an organization to participate, formally or informally, in deliberations, discussions, or voting on a matter or to use his official position with regard to the interests of the organization on the matter if the Public Official or Employee has assumed a particular responsibility in the organization with respect to the matter or if the matter would affect that person's personal, pecuniary interests.

OHIO REVISED CODE (ORC) 102.03 (K)

This Ohio Revised Code (ORC) section not applicable to County government.

OHIO REVISED CODE (ORC) 102.03 (L)

This Ohio Revised Code (ORC) section not applicable to County government.

OHIO REVISED CODE (ORC) 102.03 (M)

This Ohio Revised Code (ORC) section not applicable to County government.

OHIO REVISED CODE (ORC) 102.031

This Ohio Revised Code (ORC) section not applicable to County government.

OHIO REVISED CODE (ORC) 102.04 (A)

This Ohio Revised Code (ORC) section not applicable to County government.

OHIO REVISED CODE (ORC) 102.04 (B)

This Ohio Revised Code (ORC) section not applicable to County government.

Section 12. Representation and Influence Peddling

OHIO REVISED CODE (ORC) 102.04 (C) and (D)

- (C) Except as provided in the Ohio Revised Code (ORC) 102.04(D), no person who is elected or appointed to an office of or employed by the County or any other governmental entity, excluding the courts, shall receive or agree to receive directly or indirectly compensation other than from the agency with which he serves for any service rendered or to be rendered by him personally in any case, proceeding, application, or other matter which is before any agency, department, board, bureau, commission, or other instrumentality, excluding the courts, of the entity of which he is an officer or employee.
- (D) A Public Official who is appointed to a non-elective office or a public employee shall be exempted from the Ohio Revised Code (ORC) 102(C) if both of the following apply:
 - (1) The agency before which the matter that involves the rendering of his services is pending, is an agency other than the one with which he serves;
 - (2) Prior to rendering the personal services one must file a statement with the appropriate ethics commission, with the public agency with which he serves, and with the public agency before which the matter is pending.

The required statement shall contain the official's or employee's name and home address, the name and mailing address of the public agencies with which he serves and before which the matter is pending, and a brief description of the ending matter and of the personal services to be rendered. The statement shall also contain the Public Official's or employee's declaration that he disqualifies himself for a period of two

years from any participation as such Public Official or Employee in any matter involving any Public Official or Employee of the agency before which the present matter is pending. The two-year period shall run from the date of the most recently filed statement regarding the agency before which the matter was pending. No person shall be required to file statements under this division with the same public agency regarding a particular matter more than once in a calendar year.

Section 13. Failure to Recuse

OHIO REVISED CODE (ORC) 102.04 (E) and (F)

- (E) No Public Official or Employee who files a statement or is required to file a statement under the Ohio Revised Code (ORC) 102.04 (D) shall knowingly fail to disqualify himself from any participation as a Public Official or Employee of the agency with which he serves in any matter involving any official or employee of an agency before which a matter for which he rendered personal services was pending.
- (F) This section shall not be construed to prohibit the performance of ministerial functions including, but not limited to, the filing, or amendment of tax returns, applications for permits and licenses, incorporation papers, and other documents.

See Article VII, Section 24 – Cuyahoga County Provisions for additional conditions.

OHIO REVISED CODE (ORC) 102.05

This Ohio Revised Code (ORC) section does not contain applicable restrictions to County government.

OHIO REVISED CODE (ORC) 102.06

This Ohio Revised Code (ORC) section does not contain applicable restrictions to County government.

OHIO REVISED CODE (ORC) 102.07

This Ohio Revised Code (ORC) section does not contain applicable restrictions to County government.

OHIO REVISED CODE (ORC) 102.08

This Ohio Revised Code (ORC) section does not contain applicable restrictions to County government.

OHIO REVISED CODE (ORC) 102.09 (A)

This Ohio Revised Code (ORC) section does not contain applicable restrictions to County government.

OHIO REVISED CODE (ORC) 102.09 (B)

This Ohio Revised Code (ORC) section does not contain applicable restrictions to County government.

OHIO REVISED CODE (ORC) 102.09 (C)

This Ohio Revised Code (ORC) section does not contain applicable restrictions to County government.

Section 14. Acknowledgment of Copy of Law

OHIO REVISED CODE (ORC) 102.09(D)

Within fifteen days after any Public Official or Employee begins the performance of official duties, with which the Public Official or Employee serves or the appointing authority shall furnish the official or employee a copy of Chapter 102. and section 2921.42 of the Ohio Revised Code, and may furnish such other materials as the appropriate ethics commission prepares for distribution. The Public Official or Employee shall acknowledge their receipt in writing. The requirements of this division do not apply at the time of reappointment or reelection.

See Article VII, Section 3 – Cuyahoga County Provisions for additional conditions.

Section 15. Penalties

OHIO REVISED CODE (ORC) 102.99

(A) Whoever violates division (C) of section 102.031 of the Ohio Revised Code is guilty of a misdemeanor of the fourth degree.

(B) Whoever violates section 102.03 or 102.04 of the Ohio Revised Code is guilty of a misdemeanor of the first degree.

ARTICLE III. THE OHIO ETHICS LAW: CHAPTER 2921 OF THE OHIO REVISED CODE

Section 1. Definitions

As used in this Ordinance:

(A) “Public Official” means any elected or appointed officer, or employee, or agent of the County, whether in a temporary or permanent capacity, and includes, but is not limited to, legislators, judges, and law enforcement officers.

(B) “Public Servant” means any of the following:

(1) Any Public Official;

- (2) Any person performing ad hoc a governmental function, including, but not limited to, a juror, member of a temporary commission, master, arbitrator, advisor, or consultant;
 - (3) A person who is a candidate for public office, whether or not the person is elected or appointed to the office for which the person is a candidate. A person is a candidate for purposes of this division if the person has been nominated according to law for election or appointment to public office, or if the person has filed a petition or petitions as required by law to have the person's name placed on the ballot in a primary, general, or special election, or if the person campaigns as a write-in candidate in any primary, general, or special election.
- (C) Section not applicable to County government.
 - (D) Section not applicable to County government.
 - (E) Section not applicable to County government.
 - (F) Section not applicable to County government.
 - (G) Section not applicable to County government.
 - (H) "Campaign committee," "contribution," "political action committee," "legislative campaign fund," "political party," and "political contributing entity" have the same meanings as in section 3517.01 of the Ohio Revised Code.
 - (I) "Public contract" means any of the following:
 - (a) The purchase or acquisition, or a contract for the purchase or acquisition, of property or services by or for the use of the state, any of its political subdivisions, or any agency or instrumentality of either, including the employment of an individual by the state, any of its political subdivisions, or any agency or instrumentality of either;
 - (b) A contract for the design, construction, alteration, repair, or maintenance of any public property.

ARTICLE IV. THE OHIO ETHICS LAW: CHAPTER 2921.42 OF THE OHIO REVISED CODE

PROHIBITED CONDUCT – PUBLIC CONTRACTS

Section 1. Nepotism

OHIO REVISED CODE (ORC) 2921.42 (A)(1)

No Public Official shall knowingly:

Authorize, or employ the authority or influence of the Public Official's office to secure authorization of any public contract in which the Public Official, a member of the Public Official's family, or any of the Public Official's business associates has an interest.

Section 2. County Investments

OHIO REVISED CODE (ORC) 2921.42 (A)(2)

No Public Official shall knowingly:

Authorize, or employ the authority or influence of the Public Official's office to secure the investment of public funds in any share, bond, mortgage, or other security, with respect to which the Public Official, a member of the Public Official's family, or any of the Public Official's business associates either has an interest, is an underwriter, or receives any brokerage, origination, or servicing fees.

Section 3. Subsequent Employment

OHIO REVISED CODE (ORC) 2921.42 (A)(3)

No Public Official shall knowingly:

During the Public Official's term of office or within one year thereafter, occupy any position of profit in the prosecution of a public contract authorized by the Public Official or by a legislative body, commission, or board of which the Public Official was a member at the time of authorization, unless the contract was let by competitive bidding to the lowest and best bidder.

Section 4. Profit or Gain from County Contracts

OHIO REVISED CODE (ORC) 2921.42 (A)(4)(5)

No Public Official shall knowingly do any of the following:

- (4) Have an interest in the profits or benefits of a public contract entered into by or for the use of the political subdivision or governmental agency or instrumentality with which the Public Official is connected;

- (5) Have an interest in the profits or benefits of a public contract that is not let by competitive bidding if required by law and that involves more than one hundred fifty dollars.

Section 5. Exemptions from Prohibited Conflict of Interest in Public Contracts

OHIO REVISED CODE (ORC) 2921.42 (B), (C) and (D)

In the absence of bribery or a purpose to defraud, a Public Official, member of a Public Official's family, or any of a Public Official's business associates shall not be considered as having an interest in a public contract or the investment of public funds, if all of the following apply:

- (1) The interest of that person is limited to owning or controlling shares of the corporation, or being a creditor of the corporation or other organization, that is the contractor on the public contract involved, or that is the issuer of the security in which public funds are invested;
 - (2) The shares owned or controlled by that person do not exceed five per cent of the outstanding shares of the corporation, and the amount due that person as creditor does not exceed five per cent of the total indebtedness of the corporation or other organization;
 - (3) That person, prior to the time the public contract is entered into, files with the political subdivision or governmental agency or instrumentality involved, an affidavit giving that person's exact status in connection with the corporation or other organization.
- (C) This section does not apply to a public contract in which a Public Official, member of a Public Official's family, or one of a Public Official's business associates has an interest, when all of the following apply:
- (1) The subject of the public contract is necessary supplies or services for the political subdivision or governmental agency or instrumentality involved;
 - (2) The supplies or services are unobtainable elsewhere for the same or lower cost, or are being furnished to the political subdivision or governmental agency or instrumentality as part of a continuing course of dealing established prior to the Public Official's becoming associated with the political subdivision or governmental agency or instrumentality involved;
 - (3) The treatment accorded the political subdivision or governmental agency or instrumentality is either preferential to or the same as that accorded other customers or clients in similar transactions;

(4) The entire transaction is conducted at arm's length, with full knowledge by the political subdivision or governmental agency or instrumentality involved, of the interest of the Public Official, member of the Public Official's family, or business associate, and the Public Official takes no part in the deliberations or decision of the political subdivision or governmental agency or instrumentality with respect to the public contract.

(D) The Ohio Revised Code (ORC) 2921.42(A)(4) does not prohibit participation by a public employee in any housing program funded by public moneys if the public employee otherwise qualifies for the program and does not use the authority or influence of the public employee's office or employment to secure benefits from the program and if the moneys are to be used on the primary residence of the public employee. Such participation does not constitute an unlawful interest in a public contract in violation of this section.

Section 6. Penalties

OHIO REVISED CODE (ORC) 2921.42 (E)

Whoever violates the Ohio Revised Code (ORC) 2921.42 is guilty of having an unlawful interest in a public contract. Violation of the Ohio Revised Code (ORC) 2921.42 (A)(1) or (2) is a felony of the fourth degree. Violation of the Ohio Revised Code (ORC) 2921.42 (A)(3), (4), or (5) is a misdemeanor of the first degree.

OHIO REVISED CODE (ORC) 2921.42 (F)

This Ohio Revised Code (ORC) section not applicable to County government.

OHIO REVISED CODE (ORC) 2921.42 (G)

This Ohio Revised Code (ORC) section not applicable to County government.

Section 7. Voiding of Tainted Contracts or Investments

OHIO REVISED CODE (ORC) 2921.42 (H)

Any public contract in which a Public Official, a member of the Public Official's family, or any of the Public Official's business associates has an interest in violation of this section is void and unenforceable. Any contract securing the investment of public funds in which a Public Official, a member of the Public Official's family, or any of the Public Official's business associates has an interest, is an underwriter, or receives any brokerage, origination, or servicing fees and that was entered into in violation of the Ohio Revised Code (ORC) 2921.42 is void and unenforceable.

ARTICLE V. THE OHIO ETHICS LAW: CHAPTER 2921.43 OF THE OHIO REVISED CODE

IMPROPER COMPENSATION

Section 1. Gratuities for Regular Duties and Internal Favors

OHIO REVISED CODE (ORC) 2921.43 (A)

No Public Servant shall knowingly solicit or accept, and no person shall knowingly promise or give to a Public Servant, either of the following:

- (1) Any compensation, other than as allowed by divisions (G), (H), and (I) of section 102.03 of the Ohio Revised Code (ORC) or other provisions of law, to perform the Public Servant's official duties, to perform any other act or service in the Public Servant's public capacity, for the general performance of the duties of the Public Servant's public office or public employment, or as a supplement to the Public Servant's public compensation;
- (2) Additional or greater fees or costs than are allowed by law to perform the Public Servant's official duties.

Section 2. Gratuities for Employment Favors

OHIO REVISED CODE (ORC) 2921.43 (B)

No Public Servant for the Public Servant's own personal or business use, and no person for the person's own personal or business use or for the personal or business use of a Public Servant or party official, shall solicit or accept "Anything of Value" in consideration of either of the following:

- (1) Appointing or securing, maintaining, or renewing the appointment of any person to any public office, employment, or agency;
- (2) Preferring, or maintaining the status of, any public employee with respect to compensation, duties, placement, location, promotion, or other material aspects of employment.

Section 3. Political Contributions made for Consideration

OHIO REVISED CODE (ORC) 2921.43 (C)

No person for the benefit of a political party, campaign committee, legislative campaign fund, political action committee, or political contributing entity shall coerce any contribution in consideration of either of the following:

- (1) Appointing or securing, maintaining, or renewing the appointment of any person to any public office, employment, or agency;

- (2) Preferring, or maintaining the status of, any public employee with respect to compensation, duties, placement, location, promotion, or other material aspects of employment.

Section 4. Penalties

OHIO REVISED CODE (ORC) 2921.43(D) and (E)

- (D) Whoever violates the Ohio Revised Code (ORC) 2921.43 is guilty of soliciting improper compensation, a misdemeanor of the first degree.
- (E) A Public Servant who is convicted of a violation of the Ohio Revised Code (ORC) 2921.43 is disqualified from holding any public office, employment, or position of trust in this state for a period of seven years from the date of conviction.

Section 5. Exemptions – Making or Receiving Voluntary Contributions

OHIO REVISED CODE (ORC) 2921.43(F)

The Ohio Revised Code (ORC) 2921.43(A), (B), and (C) do not prohibit a person from making voluntary contributions to a political party, campaign committee, legislative campaign fund, political action committee, or political contributing entity or prohibit a political party, campaign committee, legislative campaign fund, political action committee, or political contributing entity, from accepting voluntary contributions.

ARTICLE VI. OTHER OHIO REVISED CODE INCLUDED IN ORDINANCE

Section 1. Abuse of political authority or influence

OHIO REVISED CODE (ORC) 124.61

No person who holds any Public office, or who has been nominated for, or who seeks a nomination or appointment to any Public office, shall corruptly use or promise to use, either directly or indirectly, any official authority or influence in order to secure or aid any person in securing for himself or another any office or employment in the classified service, or any promotion or increase of salary therein, as a reward for political influence or service. Nor shall any person, by means of threats or coercion, induce or seek to induce anyone in the classified service to resign his position or to waive his right to certification, appointment, or promotion.

See Article VII, Section 28– Cuyahoga County Provisions for additional conditions.

Section 2. Abuse of power for political reasons

OHIO REVISED CODE (ORC) 124.60

No Public Official, shall appoint, promote, reduce, suspend, lay off, discharge, or in any manner change the official rank or compensation of any officer or employee in the classified service, or promise or threaten to do so, or harass, discipline, or coerce any such officer or employee, for giving, withholding, or refusing to support any party.

Section 3. Payment for appointment or promotion

OHIO REVISED CODE (ORC) 124.59

No applicant for appointment or promotion in the classified or unclassified service shall, directly or indirectly, pay or promise to pay any money or other valuable thing, nor shall he ask or receive any recommendation or assistance from any person, upon the consideration of any political service to be rendered, for or on account of his appointment or promotion, or proposed appointment or promotion.

Section 4. Gratuities for Performance of Regular Duties

Enacts OHIO REVISED CODE (ORC) 102.04 (A) (B) for County purposes.

- (A) Except as provided in OHIO REVISED CODE (ORC) 102.04 (D), no Public Official or Employee shall receive or agree to receive directly or indirectly compensation other than from the agency with which he serves for any service rendered or to be rendered by him personally in any case, proceeding, application, or other matter that is before the County, excluding the courts.
- (B) Except as provided in OHIO REVISED CODE (ORC) 102.04 (D), no Public Official or Employee shall sell or agree to sell, except through competitive bidding, any goods or services to the County, excluding the courts.

Section 5. Prohibited Political Activity

OHIO REVISED CODE (ORC) 124.57

- (A) No Public Official in the classified service of the state, the several counties, cities, and city school districts of the state, or the civil service townships of the state shall directly or indirectly, orally or by letter, solicit or receive, or be in any manner concerned in soliciting or receiving, any assessment, subscription, or contribution for any political party or for any candidate for Public office; nor shall any person solicit directly or indirectly, orally or by letter, or be in any manner concerned in soliciting, any such assessment, contribution, or payment from any officer or employee in the classified service of the state, the several counties, cities, or city school districts of the state, or the civil service townships of the state; nor shall any officer or employee in the classified service of the state, the several counties, cities, and city school districts of the state, or the civil service townships of the state be an officer in any political organization or take part in politics other than to

vote as the officer or employee pleases and to express freely political opinions.

- (B) (1) Nothing in division (A) of this section prohibits an officer or employee described in that division from serving as a precinct election official under section 3501.22 of the Ohio Revised Code.
- (2) Nothing in division (A) of this section prohibits an employee of the Ohio cooperative extension service whose position is transferred from the unclassified civil service to the classified civil service and who also holds the office of president of a city legislative authority from completing the existing term of office as president.

Section 6. Prohibited Political Activity

OHIO ADMINISTRATIVE CODE - OAC123:1-46-02

- (A) The purpose of this rule is to provide appointing authorities, personnel officers, and others with guidelines concerning political activity. Employees in the classified service are prohibited by section 124.57 of the Ohio Revised Code from engaging in political activity.
 - (1) “Classified service” means all persons in active pay status serving in the competitive classified civil service of the state, the counties, or the general health districts. Unless specifically exempted from the classified service in accordance with the Ohio Revised Code and these rules, an employee shall be considered to be in the classified service for purposes of this rule.
 - (2) “Political activity” and “politics” refer to partisan activities, campaigns, and elections involving primaries, partisan ballots, or partisan candidates.
- (B) The following are examples of permissible activities for employees in the classified service:
 - (1) Registration and voting;
 - (2) Expression of opinions, either oral or written;
 - (3) Voluntary financial contributions to political candidates or organizations;
 - (4) Circulation of nonpartisan petitions or petitions stating views on legislation;
 - (5) Attendance at political rallies;
 - (6) Signing nominating petitions in support of individuals;
 - (7) Display of political materials in the employee’s home or on the employee’s property;

- (8) Wearing political badges or buttons, or the display of political stickers on private vehicles; and
 - (9) Serving as a precinct election official under section 3501.22 of the Ohio Revised Code.
- (C) The following activities are prohibited to employees in the classified service:
- (1) Candidacy for Public office in a partisan election;
 - (2) Candidacy for Public office in a nonpartisan general election if the nomination to candidacy was obtained in a partisan primary or through the circulation of nominating petitions identified with a political party;
 - (3) Filing of petitions meeting statutory requirements for partisan candidacy to elective office;
 - (4) Circulation of official nominating petitions for any candidate participating in a partisan election;
 - (5) Service in an elected or appointed office in any partisan political organization;
 - (6) Acceptance of a party-sponsored appointment to any office normally filled by partisan election;
 - (7) Campaigning by writing for Publications, by distributing political material, or by writing or making speeches on behalf of a candidate for partisan elective office, when such activities are directed toward party success;
 - (8) Solicitation, either directly or indirectly, of any assessment, contribution or subscription, either monetary or in-kind, for any political party or political candidate;
 - (9) Solicitation of the sale, or actual sale, of political party tickets;
 - (10) Partisan activities at the election polls, such as solicitation of votes for other than nonpartisan candidates and nonpartisan issues;
 - (11) Service as, witness or challenger, for any party or partisan committee;
 - (12) Participation in political caucuses of a partisan nature; and
 - (13) Participation in a political action committee which supports partisan activity.
- (D) An employee in the classified service who engages in any of the activities listed in paragraphs (C)(1) to (C)(13) of this rule is subject to removal from his or her position in the classified service. The appointing authority may initiate such removal action in accordance with the procedures in section 124.34 of the Ohio Revised Code. The director may also institute an investigation or action in case of a violation.

- (E) Employees in the unclassified service, who serve at the pleasure of the appointing authority and are not subject to competitive examination, are not prohibited from engaging in political activity unless specifically precluded by federal or state constitutional or statutory provisions.
- (F) Service in an appointed or elected position is prohibited when such position is subordinate to or in any way a check upon a position concurrently occupied by a classified or unclassified employee, or when it is physically impossible for one person to discharge the duties of both positions, or if some specific constitutional or statutory bar exists prohibiting a person from serving both positions.
- (G) If any person holding Public office or employment is convicted of violating the Ohio Revised Code provisions prohibiting abuse of political influence, such office or position shall thereby be rendered vacant.

Section 7. Whistleblower

OHIO REVISED CODE (ORC) 124.341(A)

Rights

If Public Official or Employee in the classified or unclassified civil service becomes aware in the course of employment of a violation of state or federal statutes, rules, or regulations or the misuse of public resources, and the Public Official or Employee's supervisor or appointing authority has authority to correct the violation or misuse, the employee may file a written report identifying the violation or misuse with the supervisor or appointing authority. In addition to or instead of filing a written report with the supervisor or appointing authority, the Public Official or Employee may file a written report with the office of internal auditing created under section 126.45 of the Ohio Revised Code.

See Article VII, Section 18– Cuyahoga County Provisions for additional conditions.

Responsibilities

If the Public Official or Employee reasonably believes that a violation or misuse of public resources is a criminal offense, the Public Official or Employee, in addition to or instead of filing a written report with the supervisor, appointing authority, or the office of internal auditing, may report it to a prosecuting attorney, director of law, village solicitor, or similar chief legal officer of a municipal corporation, to a peace officer, as defined in section 2935.01 of the Ohio Revised Code, or, if the violation or misuse of public resources is within the jurisdiction of the inspector general, to the inspector general in accordance with section 121.46 of the Ohio Revised Code. In addition to that report, if the employee reasonably believes the violation or misuse is also a violation of Chapter 102, section 2921.42, or section 2921.43 of the Ohio Revised Code, the employee may report it to the appropriate ethics commission.

See Article VII, Section 18– Cuyahoga County Provisions for additional conditions.

OHIO REVISED CODE (ORC) 124.341(B)

Protections and Prohibitions

Except as otherwise provided in division (C) of this section, no Public Official or Employee in the classified or unclassified civil service shall take any disciplinary action against an employee in the classified or unclassified civil service for making any report authorized by division (A) of this section, including, without limitation, doing any of the following:

- (1) Removing or suspending the employee from employment;
- (2) Withholding from the employee salary increases or employee benefits to which the employee is otherwise entitled;
- (3) Transferring or reassigning the employee;
- (4) Denying the employee promotion that otherwise would have been received;
- (5) Reducing the employee in pay or position.

OHIO REVISED CODE (ORC) 124.341(C)

A Public Official or Employee in the classified or unclassified civil service shall make a reasonable effort to determine the accuracy of any information reported under division (A) of this section. The Public Official or Employee is subject to disciplinary action, including suspension or removal, as determined by the employee's appointing authority, for purposely, knowingly, or recklessly reporting false information under division (A) of this section.

OHIO REVISED CODE (ORC) 124.341(D)

If an appointing authority takes any disciplinary or retaliatory action against a classified or unclassified Public Official or Employee as a result of the Public Official or Employee's having filed a report under division (A) of this section, the Public Official or Employee's sole and exclusive remedy, notwithstanding any other provision of law, is to file an appeal with the state personnel board of review within thirty days after receiving actual notice of the appointing authority's action. If the Public Official or Employee files such an appeal, the board shall immediately notify the Public Official or Employee's appointing authority and shall hear the appeal. The board may affirm or disaffirm the action of the appointing authority or may issue any other order as is appropriate. The order of the board is appealable in accordance with Chapter 119 of the Ohio Revised Code.

See Article VII, Section 19 – Cuyahoga County Provisions for additional conditions.

ARTICLE VII: CUYAHOGA COUNTY PROVISIONS

Section I. Definitions

As used in this Cuyahoga County ("County") Ethics Ordinance ("Ordinance"):

Administrative Fee	The civil penalty equivalent of a fine, levied by and payable to the Inspector General.
Advice	A written, expert judgment and recommendation by the Inspector General as to whether an issue raised poses ethical problems and how the issue may best be resolved. If the recipient acts in accordance with that advice, s/he is in compliance with the Code of Ethics.
"Anything of Value"	"Anything of Value" Has the same meaning as provided in Section 1.03 of the Ohio Revised Code and as interpreted by the Ohio Ethics Commission, however, anything with a cumulative monetary value in excess of \$75.00 shall be considered "anything of value". As used in Article VII herein, "Anything of Value" means anything, other than a Campaign Contribution, having a value of \$15 per gift per person (i.e., a \$50 cookie tray given to a staff of five (5) people), and \$75 cumulative annually per person. cumulative monetary value in excess of \$75.00 "Anything of value" includes: a. Money, bank bills or notes, United States treasury notes, and other bills, bonds, or notes issued by lawful authority and intended to pass and circulate as money; B. Goods and chattels; C. Promissory notes, bills of exchange, orders, drafts, warrants, checks, or bonds given for the payment of money; D. Receipts given for the payment of money or other property; E. Rights in action; F. Things which savor of the realty and are, at the time they are taken, a part of the freehold, whether they are of the substance or produce thereof or affixed thereto, although there may be no interval between the servicing and taking away; G. Any interest in realty, including fee simple and partial interests, present and future, contingent or vested interest, beneficial interests, leasehold interests, and any other interest in realty; H. Any promise or future employment; I. Every other thing of value.
Associated	Associated, when used with reference to a business or an organization, includes any business or organization in which a Public Servant Public Official or a Public Servant's Public Official's partner in interest is a director, officer or trustee, or owns or controls, directly or indirectly, and severally or in the aggregate, at least five percent of the outstanding equity, or any business or organization in which a Public Servant Public Official or a partner in interest has a personal interest.
Before	A matter is "before" a public agency when it is "being considered by, decided by, or in the presence of or under the official purview of" the agency. Adv. Op. No. 2007-03.

Benefit 1. "Anything of Value" having a cumulative monetary value in excess of \$75.00; 2. Anything, regardless of its monetary value, perceived or intended by either the one who offers it or the one to whom it is offered to be sufficient in value to influence a Public Servant in the performance or nonperformance of an official action; or 3. Anything, regardless of its monetary value, which, under the circumstances, a reasonably prudent person in the position of the Public Servant to whom the thing is or may be offered, would recognize as being likely to be intended to influence the Public Servant in the performance or nonperformance of an official action.

The term "benefit" includes, but is not limited to, a valuable act, advance, award, contract, compensation, contribution, deposit, emolument, employment, favor, fee, forbearance, fringe benefit, gift, gratuity, honorarium, loan, offer, payment, perquisite, privilege, promise, reward, remuneration, service, subscription, or the promise that any of these things will be conferred in the future. The term "benefit" shall not include food and beverage or a campaign contribution.

Board An abbreviation for any authority, board, commission or special district to which County officials appoint at least one member or to which County funds are appropriated.

Business Business means an activity, association, commercial entity, corporation, enterprise, firm, franchise, holding company, joint stock company, organization, partnership, receivership, self-employed individual, sole proprietorship, trust or other legal entity established to earn or otherwise obtain money, whether for profit or nonprofit, excluding a municipal corporation or governmental entity.

Business Associate or Partner in Interest ~~A business associate~~ Includes any individuals, companies, or organizations with which the official is acting together to pursue a common business purpose. ~~Examples of a Public Official's business associates~~ **partner in interest** include, but are not limited to, the official's: (1) partners in a partnership; (2) co-owners of a business; (3) outside employer; and (4) co-members of an LLC. Adv. Op. No. 2009-06.

~~Business with which a Public Official or Employee is associated~~ ~~Business with which a Public Official or Employee is associated or associated business means a business in which any of the following applies:~~

~~(1) The Public Official or Employee is an owner, partner, director, officer, employee or independent contractor in relation to the business;~~

~~(2) A Public Official, Employee's or partner in interest is an owner, partner, director or officer;~~

~~(3) The Public Official, Employee or a partner in interest is a stockholder of close corporation stock which is worth at least \$1,000.00 at fair market value or which represents more than a five percent equity interest;~~

~~(4) The Public Official, Employee or a partner in interest is a stockholder of publicly traded stock which is worth at least \$5,000.00 at fair market value or which represents more than five percent equity interest, other than publicly traded stock under a trading account if the Public Official or Employee reports the name and address of the stockholder;~~

Campaign Contribution	Any monetary or non-monetary donation to any political campaign committee.
Candidate	Means an individual who is a candidate for an elective County office, as defined in the County Charter, or an applicant for County employment or for an appointive County position.
Compensation	Money, thing of value, or financial benefit. "Compensation" does not include reimbursement for actual and necessary expenses incurred in the performance of official duties. Ohio Revised Code (ORC)102.01 Compensation also means "Anything of Value" that is given for services can be "compensation," whether it is in the form of cash, tangible goods or chattels, or other financial gains or benefits that accrue to the Public Servant. The services performed by the Public Servant may be provided for the specific benefit of the individual offering the compensation or for the general benefit of the public agency and the citizens served by the agency. Adv. Op. No. 2008-01.
Conflict of Interest	Means not only a personal interest, as defined in this Ordinance, but also a professional or non-pecuniary interest, such as arises when the County attorney is precluded from representing one Public Servant because of the County attorney's preexisting attorney-client relationship with another Public Servant.
Contractor	A person or an entity – including but not limited to service providers, vendors and consultants – that provides goods or services to the County under terms specified in a binding, officially approved agreement.
County Agency	Means the County Council, any department, division, institution, board, commission, or advisory council, or other instrumentality of the County or any board, commission, or advisory council for which the Cuyahoga County Executive and/or the Cuyahoga County Council appoints one or more of its members;
County	Shall mean the body politic and corporate known as the County of Cuyahoga established in Section 1.01 of the Cuyahoga County Charter.

Day	A calendar day, unless otherwise noted.
Decision Maker	Decision maker means any Public Official or Employee or Board, Commission or Advisory Agency of Cuyahoga County empowered to act in a discretionary manner on behalf of the County in any capacity whatsoever, including the making of recommendations. To the extent this Ordinance is applicable to them, any volunteer or independent contractor who is empowered to exercise any discretionary power which could influence a Public Official or Employee in the performance or nonperformance of an official action. In this Ordinance, the term "decision maker" is used to represent any and every Public Official or Employee who could take any discretionary action regarding a matter in which a Public Official or Employee or a partner in interest has or may have a conflict of interest, or as a result of which a Public Official or Employee might receive a personal benefit.
Disclosure	The reporting of financial information, personal or business connections, gifts, activities, campaign contributions or potential conflicts of interest.
Domestic Partner Household Member	Any person who shares the same residence with a Public Official or Employee.
Employee	Any employee of the County or board, commission or agency member, whether in a temporary or permanent capacity. The definition applies regardless of whether the person is: (1) compensated or uncompensated; (2) serving full time or part time; or (3) serving in a temporary or permanent position.
Finding	The official decision reached by the Inspector General after thorough investigation or a formal hearing.
Full Family	A Public Official or Employee 's spouse, domestic partner household member , child, children, grandchildren, parents, parents-in-law, grandparents, grandparents-in-law, sisters, sisters-in-law, brothers, brothers-in-law, sons-in-law, daughters-in-law, nieces, nephews, aunts, uncles, or first cousins (whether by marriage, lineal descent or adoption); A Public Official or Employee's relative by marriage, lineal descent or adoption who receives, directly or indirectly, more than one-half of his or her support from the Public Official or Employee or from whom the Public Official or Employee receives, directly or indirectly, more than one-half of his or her support; and An individual claimed by the Public Official or Employee or the Public Official or Employee's spouse as a dependent under the United States Internal Revenue Code.
Immediate Family	A Public Official's spouse, domestic partner, child or children (whether by marriage, lineal descent or adoption).

Gift	Gift means any benefit or thing or act of monetary value, other than a Campaign Contribution, of a cumulative value of \$75.00 or more within a calendar year, which is conveyed to or performed for the benefit of a Public Official or Employee, including any advance, award, contract, contribution, deposit, employment, favor, forbearance, gift, gratuity, honorarium, loan, payment, service, subscription, or the promise that any of these things or acts of value will be conferred in the future, if such thing or act of value is conferred or performed without the lawful exchange of consideration which is commensurate in value at least equal in value to the thing or act conferred or performed.
Household Member	Any person who shares the same residence with a Public Official or Employee.
Interest	A prohibited "interest" in a public contract is a definite and direct interest that can be of either a financial or fiduciary nature. Adv. Op. No. 2009-06.
Lobbyist	An individual wholly or partially compensated for direct, private communication with County policy-making officials or their staffs, with the purpose of influencing the expenditure of funds in the awarding of a contract or other financial arrangement; or for making direct, private contact with same to promote, advocate or oppose the passage, modification, defeat, approval or veto of any legislation or policy.
Organization	"Organization" means a church or a religious, benevolent, fraternal, or professional organization that is tax exempt under subsection 501(a) and described in subsection 501(c)(3), (4), (8), (10), or (19) of the "Internal Revenue Code of 1986."
Of such a character as to manifest a substantial and improper influence	A thing of value is "of such a character as to manifest a substantial and improper influence" on a Public Official or Employee if it is "of such a quality, nature or kind that it could have a substantial and improper influence on the Public Official or Employee." Adv. Op. No. 2009-01. The Commission has explained that it is unnecessary that the thing of value actually has a substantial and improper influence on the official or employee provided that it is of such a character that it could have such influences.
Person	Includes "an individual, corporation, business trust, estate, trust, partnership, and association." R.C. 1.59. Also includes governmental agencies. Adv. Op. No. 2009-01.
Personally rendering services	Includes, but is not limited to, representing, advising, preparing non-ministerial documents for, or consulting with, any person. Adv. Op. No. 2007-03. Examples are: (1) negotiating or discussing matters with agency personnel or contractors; (2) appearing at an agency meeting or hearing; and (3) preparing pleadings or documents to be filed with or submitted to an agency. A person would be personally rendering services if he or

~~she prepared and submitted, to a state agency, any grant or investment proposals, contract bid packages, responses to requests for proposals, or any other submission for financial support for a client or customer.~~

~~Position of Profit~~ A Public Official occupies a “position of profit” in the prosecution of a public contract when he or she receives some financial gain or benefit that is definitely and directly related to the carrying out and completion of a contract that he or she authorized or that was authorized by a board of which he or she is a member. Adv. Op. No. 2009-05.

~~Prohibited Source~~ A party that gives or promises an unlawful gift to any Public Official, specifically a party doing or seeking to do business with, regulated by, or interested in matters before the County, its departments, agencies, boards or commissions, including any lobbyist or contractor.

~~Public Officials and Employees~~ Any elected or appointed officer, ~~or employee, or volunteer, or agent~~ of the County or board, commission or agency member, whether in a temporary or permanent capacity.²² The definition applies regardless of whether the person is: (1) compensated or uncompensated; (2) serving full time or part time; ~~or (3) serving in a temporary or permanent position.~~

~~Relatives~~ The definition for Full Family and Relatives shall be interchangeable.

~~Secondary Employment~~ **Secondary Employment includes the following: (1) Employment or volunteer work, whether compensated or uncompensated, outside of the Public Official’s or Employee’s primary employment with the County; (2) Any outside private business activity; (3) Any service on a board, commission, or other similar type entity, whether compensated or uncompensated; and (4) Elective or appointed office for a political jurisdiction or in a political party.**

~~Use Of or Authorization of the Use Of~~ The authority or influence of one’s office or employment: Voting on, recommending, deliberating about, discussing, lobbying, or taking any other formal or informal action within the scope of a Public Official’s or employee’s public authority is “use of,” or “authorization of the use of” the authority or influence of a Public Official’s or employee’s office or employment. Adv. Op. No. 2010-03.

~~Whistleblower~~ A person who reports possible crimes or violations of this Code of Ethics.

(Amended 4/26/2011 by Ordinance No. O2011-0023; Amended 10/25/2011 by Ordinance No. O2011-0052)

Section 2. Full Family Definition Included

Throughout this Ordinance, where ever "Family" is referenced the definition of "Full Family" shall apply.

Section 3. Acknowledgement of Copy of Law

For reference purposes to the County provisions:

OHIO REVISED CODE (ORC) 102.09(D)

Within fifteen days after any Public Official or Employee begins the performance of official duties, with which the Public Official or Employee serves or the appointing authority shall furnish the official or employee a copy of Chapter 102: and section 2921.42 of the Ohio Revised Code, and may furnish such other materials as the appropriate ethics commission prepares for distribution. The Public Official or Employee shall acknowledge their receipt in writing. The requirements of this division do not apply at the time of reappointment or reelection.

The following added provisions pertaining to Cuyahoga County

- (A) Shall also apply to all Public Officials, and Employees, Lobbyists and Contractors upon their reappointment, reelection, rehire or re-registration, whichever is applicable.

Section 4. Employee Education and Training - Initial and Annual Ethics Education and Training

~~(A)~~ Within fifteen **thirty-one (31)** days of a Public Official's or Employee's, Lobbyists' and Contractor's initial date of service, reappointment, reelection **or** rehire or re-registration, whichever is applicable, and **as well as** annually, the Human Resource Commission shall furnish the Public Official or Employee with a copy of the current County Ethics Ordinance, Ethics Policies, **and** Ethics Manuals, and **In addition**, all Public Officials and Employees shall personally attend Ethics Training Programs and Classes. The Human Resource Commission may furnish such other materials as are appropriate.

~~(B)~~ Within fifteen ~~(15)~~ days of a Public Official's or Employee's, Lobbyist's and or Contractor's initial date of service, reappointment, reelection, rehire or re-registration, whichever is applicable, and annually **as well as every four (4) years**, the Human Resource Commission shall furnish the Public Official or Employee ~~Lobbyist or Contractor~~ with a copy of the current County Ethics Ordinance, Ethics Policies, **and** Ethics Manuals, and all Public Officials and Employees shall personally attend Ethics Training Programs and Classes. The Human Resource Commission may furnish such other materials as are appropriate. **The Inspector General shall provide notice of any relevant amendments to the Ordinance to all registered Contractors and Lobbyists within ten (10) business days of the effective date.**

Section 5. Acknowledgment of Initial and Annual Ethics Education and Training

The Public Official or Employee shall sign an ethics statement indicating that they have read, understood and agreed to this Ordinance and acknowledge their receipt of

materials and attendance to all Programs and Classes in writing to the Human Resource Commission.

Section 6. Relationship to Ohio Law

Compliance with Ohio Ethics Laws

Public Officials and Employees are required to abide by the State of Ohio's ethics laws, as found in the Ohio Revised Code and as interpreted by the Ohio Ethics Commission and Ohio courts.

Section 7. Minimum Standard

This Ordinance shall constitute a minimum standard for ethical conduct and practices in Cuyahoga County government. If the provisions of this Ordinance conflict with any other County Ordinance, regulation or rule, this Ordinance shall control.

Section 8. Liberal Construction of Ordinance.

The provisions of this Ordinance are to be construed liberally, to the end that the public interest be fully protected, and shall be construed in a manner consistent with all applicable federal and state laws and applicable provisions of the County Charter.

Section 9. Severability

The various provisions of this Ordinance are intended to be severable, and the validity or invalidity of one or more such provisions shall not affect the validity of the remaining provisions.

Section 10. Applicability of Ordinance

This Ordinance applies to all Public Officials and Employees, as the term is defined in this Ordinance.

Section 11. Duties of Public Officials and Employees to Cooperate with Investigations and Inquiries

Public Officials and Employees shall be required to cooperate fully and truthfully with any investigation that is initiated by the Inspector General, the Department of Human Resources, or the Human Resources Commission regarding an alleged or potential violation of this Ordinance to the extent that the ~~fifth amendment of the United States Constitution rights~~ **constitutional, fifth amendment rights** of those accused of violating this Ordinance are not violated. Public Officials and Employees shall locate, compile and produce any such information as is requested by the investigating authority, unless the information is exempt from disclosure under this Ordinance or applicable law.

Section 12. Misuse of County Resources

No Public Official, **Employee, Contractor or Lobbyist** shall use, request, or permit the private use of County resources, including but not limited to motor vehicles,

equipment and supplies. Printing, mailing or electronic communicating of personal or political material using County resources is likewise prohibited.

Section 13. Discrimination

No Public Official, **Employee, Contractor, Lobbyist**, operations or entities of Cuyahoga County Government shall favor or discriminate against anyone because of race, religion, age, ethnicity, gender, sexual orientation, disability or political affiliation, pursuant to U.S. Law [Civil Rights Act of 1964, 43 U.S.C. §2000e et. seq.] and the Cuyahoga County Charter.

Section 14. Sexual Harassment

No Public Official, **Employee, Contractor, or Lobbyist** shall harass or otherwise make unwelcome sexual advances that interfere with job performance, create a hostile work environment, or attempt to make a person's submission or rejection of sexual advances a condition of his/her employment or appointment status. [Section 703 of Title VII of the Civil Rights Act of 1964, 42 U.S.C. §2000e et seq.]

Section 15. Employee Contributions to an Elected Employer

(A) No Public Official or Employee shall make political contributions to or raise funds for their own elected **County employer, appointing authority, and/or confirming authority.** ~~County employer, appointing authority, a member of County Council, and/or confirming authority (i.e. for board and commission appointments).~~ Exempted from this total prohibition are voluntary employee contributions to candidates for any other public office.

(B) No Public Official shall solicit and/or accept political contributions from individuals that they employ, appoint, or confirm. or Employee shall accept contributions from Prohibited Sources.

(Amended 4/26/2011 by Ordinance No. O2011-0023)

Section 16. Misuse of Official Position

Prohibited conduct, and other abuses or misuses of position.

(A) Public Officials or Employees of the County shall treat all citizens with courtesy, impartiality, fairness, and equality under the law, and shall avoid both actual and potential conflicts between their private self-interest and the public interest. Prohibited conduct of each such Public Official or Employee shall include, but not be limited to, the following:

- (1) Ordering any goods and services for the County without prior official authorization for such an expenditure;
- (2) Using his or her superior position to request or require an employee to:
 - (i) Do clerical work on behalf of the Public Official or Employee's family, business, social, church or fraternal

interest when such work is not furthering a County interest;
or

- (ii) Perform any work outside the Employee's normal course of County employment; **or**
- (iii) Purchase goods and services for personal, business, or political purposes; ~~or.~~
- (iv) ~~Work for him or her personally without offering just compensation.~~

(3) No Public Official or Employee shall "request" that a subordinate employee perform any task outside the scope of his or her County employment ~~work for the Public Official or Employee him or her personally without offering just compensation. The request should not have any influence on the conditions of employment for the subordinate employee.~~

(4) Drawing per diem or expense monies from the County to attend a seminar, convention, or conference and then fail to attend the seminar, convention, or conference without refunding the pro-rata unused per diem or expense monies to the County.

(B) No Public Official or Employee shall falsely represent his or her personal opinion to be the official position of the County. This subsection shall not apply to statements of elected officials made in the course of fulfilling the responsibilities of their offices or in running for election to office.

(C) No Public Official or Employee shall suppress any public document, record, report or any other public information.

(D) When a Public Official or Employee, in the course of carrying out his or her duties, has been offered or is discussing future employment with a ~~Business~~ **Business** that is presently dealing with the County concerning matters within the Public Official or Employee's current official duties, that person shall comply with all requirements in the Ethics Law and related statutes regarding future employment and disclose such possible future employment to the Inspector General.

(E) In addition to being a violation of other laws, it is also a violation of this Ordinance for any Public Official or Employee to:

- (1) Be found liable of violating any federal, state, County or municipal law prohibiting discrimination or sexual harassment;
- (2) Be found liable of violating any state laws governing lobbying activities or regulating political activity.

~~(F) No Public Official or Employee shall "request" that a subordinate employee work for him or her personally without offering just compensation. The request should not have any influence on the conditions of employment for the subordinate employee.~~

Section 17. Whistleblower - Rights

For reference purposes to the County provisions:

OHIO REVISED CODE (ORC) 124.341(A)

If Public Official or Employee in the classified or unclassified civil service becomes aware in the course of employment of a violation of state or federal statutes, rules, or regulations or the misuse of public resources, and the Public Official or Employee's supervisor or appointing authority has authority to correct the violation or misuse, the employee may file a written report identifying the violation or misuse with the supervisor or appointing authority. In addition to or instead of filing a written report with the supervisor or appointing authority, the Public Official or Employee may file a written report with the office of internal auditing created under section 126.45 of the Ohio Revised Code.

The following added provisions pertain to the County:

- A. Shall be extended to include the general public.
- B. Shall also allow a Public Official, Employee or a member of the general public, who reasonably believes that a violation or misuse of this Ordinance exists, to speak freely to and to notify the County Inspector General either in writing or via a Whistleblower Hotline.

Section 18. Whistleblower - Responsibilities

For reference purposes to the County provisions:

OHIO REVISED CODE (ORC) 124.341(A)

If the Public Official or Employee reasonably believes that a violation or misuse of public resources is a criminal offense, the Public Official or Employee, in addition to or instead of filing a written report with the supervisor, appointing authority, or the office of internal auditing, may report it to a prosecuting attorney, director of law, village solicitor, or similar chief legal officer of a municipal corporation, to a peace officer, as defined in section 2935.01 of the Ohio Revised Code, or, if the violation or misuse of public resources is within the jurisdiction of the inspector general, to the inspector general in accordance with section 121.46 of the Ohio Revised Code. In addition to that report, if the employee reasonably believes the violation or misuse is also a violation of Chapter 102, section 2921.42, or section 2921.43 of the Ohio Revised Code, the employee may report it to the appropriate ethics commission.

The following added provisions pertain to the County:

- A. Within five (5) business days of the event in question, all Public Officials or Employees shall report a violation of this Ordinance of which they have knowledge to the Inspector General.
- B. Public Officials and Employees are not, however, required to report a violation that has already been reported.

Section 19. Whistleblower – Protections and Prohibitions

For reference purposes to the County provisions:

OHIO REVISED CODE (ORC) 124.341(D)

If an appointing authority takes any disciplinary or retaliatory action against a classified or unclassified Public Official or Employee as a result of the Public Official or Employee's having filed a report under division (A) of this section, the Public Official or Employee's sole and exclusive remedy, notwithstanding any other provision of law, is to file an appeal with the state personnel board of review within thirty days after receiving actual notice of the appointing authority's action. If the Public Official or Employee files such an appeal, the board shall immediately notify the Public Official or Employee's appointing authority and shall hear the appeal. The board may affirm or disaffirm the action of the appointing authority or may issue any other order as is appropriate. The order of the board is appealable in accordance with Chapter 119 of the Ohio Revised Code.

The following added provisions pertain to the County:

- (A) Shall be heard by the Human Resource Commission.

Section 20. Whistleblower – False Filings and Frivolous Complaints

- (A) No person shall knowingly file false information.
- (B) No person shall file a complaint which **that** is frivolous or malicious in nature, or which **that** is not in good faith.

Section 21. Whistleblower – Posting of Policy

The Human Resource Commission shall post the Whistleblower provisions of this Ordinance in a manner consistent with its current disclosure and posting of other human resource materials, including, but not limited to the Cuyahoga County Website.

Section 22. Disclosure of Conflict of Interest or Potential Conflict of Interest for Public Officials

- (A) **General Prohibition.** Any Public Official who has a conflict of interest in any matter before the County shall not discuss, debate, deliberate about, act upon, vote upon or otherwise participate in or influence the decision-making process pertaining to the matter in which the Public Official has a conflict of interest.

~~Unless the Public Official or Employee recuses themselves, a Public Official or Employee who has or may have a conflict of interest in a matter which requires an official action by any decision maker shall, may before the matter is decided, disclose the conflict of interest or the potential or alleged conflict of interest to the Law Department, Inspector General and may seek advice from the Inspector General or the County Law Department. If the Inspector General Law Department believes that~~

~~no conflict of interest exists, or that despite any alleged or potential special interest, such Public Official or Employee is nevertheless able to vote and otherwise participate fairly, objectively and in a manner consistent with the public interest, then the member Public Official or Employee shall so state in the written disclosure.~~

- (B) *Public Official Recusal.* Any Public Official serving in an elected position or as an appointed member to a board or commission who has a conflict of interest on a matter before the County shall ~~must~~ recuse themselves himself or herself from discussing, debating, deliberating about, acting upon or voting upon or otherwise participating in or influencing the decision making process pertaining to the matter in which the Public Official has a conflict of interest. ~~A Public Official who recuses himself/herself from participation on any matter may subsequently disclose the nature of the conflict to the Law Department.~~

~~An employee who has or may have a conflict of interest in a matter which requires an official action by the employee shall, before the matter is acted on, disclose the conflict of interest or the potential or alleged conflict of interest to their immediate supervisor and the Law Department. If the Law Department believes that no conflict of interest exists, or that despite any alleged or potential special interest, the employee is able to participate fairly, objectively and in a matter consistent with the public interest.~~

- (C) *Public Official Option to Seek Advice.* Any Public Official serving in an elected position or as an appointed member to a board or commission who has or may have a conflict of interest in a matter which requires official action by the Public Official may, before the matter is decided, disclose the conflict of interest or the potential or alleged conflict of interest to the Law Department. The Law Department shall promptly review the disclosure and render an opinion as to whether a conflict of interests exists. If the Law Department believes that a conflict of interests exists, the Law Department shall offer guidance on the proper recusal procedures. If the Law Department believes that no conflict of interest exists, the Public Official can then vote on and otherwise fully participate in deliberations on the matter.

- ~~(D) *Whistleblower Requirement.* Any Public Official who believes that any other Public Official or Employee has a conflict of interest in any agenda item before a governmental body shall disclose such interest to the Inspector General.~~

- ~~(B) (C) If the Public Official or Employee has or may have a conflict of interest in any matter before the County, then such Public Official or Employee shall not discuss, debate, deliberate about, act upon, vote upon or otherwise participate in or influence the decision-making process pertaining to the matter in which the member Public Official or Employee has a conflict of interest.~~

Section 23. Disclosure of Conflict of Interest or Potential Conflict of Interest for Employees

- (A) *General Prohibition.* Any Employee who has a conflict of interest in any matter before the County shall not discuss, debate, deliberate about, act upon, vote upon or otherwise participate in or influence the decision-making process pertaining to the matter in which the Employee has a conflict of interest.
- (B) *Employee Duty to Disclose and Seek Advice.* An Employee who has or may have a conflict of interest in a matter which requires official action by the employee shall, before the matter is acted on, disclose the conflict of interest or the potential or alleged conflict of interest to their immediate supervisor and the Inspector General. The Inspector General shall promptly review the disclosure and render an opinion as to whether a conflict of interests exists. If the Inspector General believes that a conflict of interests exists, the Inspector General shall offer guidance on the proper recusal procedures. If the Inspector General believes that no conflict of interest exists, the Employee can discuss, debate, deliberate about, act upon, vote upon or otherwise fully participate in deliberations on the matter.
- ~~(C) *Whistleblower Requirement.* Any Employee who believes that any other Public Official or Employee has a conflict of interest in any agenda item before a governmental body shall disclose such interest to the Inspector General.~~
- ~~(C) (D) After receiving a conflict of interest disclosure, the Inspector General Law Department shall:~~
- ~~(1) — Maintain a record of such disclosure; and~~
 - ~~(2) — Promptly forward copies of the disclosure to any person named in the disclosure and the Inspector General.~~
- ~~(D) (E) Any Public Official or Employee who believes that any other Public Official or Employee has a conflict of interest in any agenda item before a governmental body shall disclose such interest to the Inspector General.~~
- ~~(E) (F) A Public Official or Employee, in addition to disqualifying/recusing herself/himself from participation in any decision regarding the pecuniary or employment interest of a Partner in Interest, shall may make known the existence of their relationship and the his/her interest by filing with the Inspector General or County Law Department a written disclosure of the relationship and the nature and extent of the conflict of interest involved.~~

(Amended 4/26/2011 by Ordinance No. O2011-0023)

Section 243. Penalties

Any violations of this Ordinance shall be punishable to the maximum extent permitted by law. Any disciplinary action shall be carried out in accordance with the provisions of this Ordinance, as well as any other laws, policies and procedures applicable to the position of the offender and the gravity of the offense. **With the exception of “Letters of Notification,”** all letters and referrals issued by the Inspector General

shall simultaneously be sent to applicable Human Resource staff and the applicable Department Director(s) for review and consideration. The Inspector General is permitted to take any action which it is otherwise lawfully permitted to take, including, but not limited to, any one or combination of the following which the Inspector General deems appropriate under the circumstances:

- (A) *Letter of Notification.* **A Letter of Notification informs a Public Official or Employee of his or her violation of a provision of the Ordinance.** The Inspector General may issue a letter of notification when it finds that a violation of this Ordinance was clearly unintentional or inadvertent. The letter may advise the respondent of any steps to be taken to avoid future violations.
- (B) *Letter of Admonition.* **A Letter of Admonition expresses disapproval of a Public Official's or Employee's violation of a provision of this Ordinance.** The Inspector General may issue a letter of admonition when it finds that the violation of this Ordinance was ~~minor and/or may have been unintentional or inadvertent~~ **knowingly committed, but is nevertheless a minor offense.**
- (C) *Letter of Censure.* **A Letter of Censure condemns an employee for his or her violation of a provision of this Ordinance.** The Inspector General may issue a letter of censure ~~when it finds that~~ **where when** the respondent has intentionally or knowingly violated ~~this Ordinance~~ **committed major violations or has committed repeated minor violations.**
- (D) *Recommendations to the County Executive, Prosecutor, and Council.* When the Inspector General finds that **the violation of this ordinance was intentional or done knowingly,** ~~respondent has intentionally or knowingly violated this Ordinance,~~ the Inspector General may make a recommendation to the County Executive, **Prosecutor,** or County Council (depending on the appointing authority), including but not limited to a recommendation for suspension, forfeiture of office or removal from office, and/or banning or temporarily suspending the respondent's (or respondent's Associated Businesses or organizations') right to solicit, bid on or obtain a contract with or from the County, as allowed by applicable law.
- (E) *Notice to the Ohio Ethics Commission.* When the Inspector General finds that a Public Official or Employee has recklessly or knowingly violated Ohio Provisions of this Ordinance, the Inspector General shall consult with the Ohio Ethics Commission to determine whether the matter should be referred to the Ethics Commission.
- (F) *Referral to Additional Ethics Training.* Upon finding of violation of this Ordinance, the Inspector General may require that the respondent undergo ethics training in addition to or in lieu of any other penalties imposed upon the respondent.
- (G) *Referral to External Enforcement.* The Inspector General shall refer possible violation(s) of any state, federal, or local law, or rule, regulation or policy to the appropriate civil, criminal or administrative agencies charged with enforcement of said violation.

Section 254. Penalties Cumulative

The penalties prescribed in this Ordinance shall be cumulative and not exclusive of each other or of any other penalties which may be imposed pursuant to any other laws or policies.

Section 265. Secondary Employment

- (A) **General Prohibition.** No Public Official or Employee of the County shall engage in secondary employment if that employment is **in conflict incompatible** with the proper discharge of official County duties or might impair **the Public Officials or Employees** objectivity or independent judgment with respect to his or her County employment duties. ~~on the job. In addition the employee's outside employment shall does not place the employee in violation of the County's Ordinance, including, but not limited to, creation of a conflict of interests. This includes elective or appointed office in another jurisdiction or in a political party.~~

~~Neither Public Officials nor Employees shall hold outside employment that, in the opinion of the Inspector General, places the Public Official or Employee in violation of this Ordinance on a frequent or regular basis.~~

~~If an elected official is engaged in secondary employment, and that secondary employment presents the appearance of or in fact a conflict of interest, then that elected official shall be precluded from deliberating on matters that impact the conflict of interest.~~

(A) (B) Duty to Disclose

- (1) All Public Officials or Employees shall disclose **the following type of** secondary employment in writing to the Human Resources Department and to the Inspector General on an official form approved by the latter, updating this information whenever it changes:
- (i) **Any compensated employment or private business activity outside of the Public Official's or Employee's primary employment with the County; or**
 - (ii) **Any fiduciary or pecuniary relationship, whether compensated or uncompensated, with an entity that receives funding from the County.**
- (B) (2) Prior to accepting an additional job, such persons shall obtain official advice from the Inspector General, ~~which~~ **who** must respond within ~~(5) five business days of the request~~ **a reasonable time based on the circumstances, but not to exceed ten (10) working days.** The Inspector General in its discretion may limit the type of classifications of secondary employment that require disclosure and/or prior approval.
- (C) (3) In situations pre-dating the adoption of this Ordinance, the covered person shall seek official advice from the Inspector General, within sixty ~~sixty~~ **60** days of the effective date of this Code.

~~(D) — The employee's outside employment does not place the employee in violation of the County's Ordinance including, but not limited to, creation of a conflict of interests.~~

~~(E) (D) (4) Penalty.~~ If the secondary employment is ruled a conflict of interest, the covered person shall either terminate that employment or face dismissal from County service, in compliance with existing personnel practices. ~~If an Elected Official is engaged in secondary employment, and that secondary employment presents the appearance of or in fact a conflict of interest, then that Elected Official shall be precluded from deliberating on matters that impact the conflict of interest.~~

Section 276. Boards, Commissions and Advisory Board Appointments

Unless such appointment is provided for by statute, by the County Charter, the County Ordinance or otherwise by operation of law, no County appointing authority shall appoint any person to a Board, commission or advisory Board who has any of the following conflicts of interest with the intended board's objective and impartial operations:

- (A) An elected or appointed employee of the County during the 12 months immediately preceding the Board appointment may not be appointed to any board, commission or advisory board if the Ohio Attorney General's *Index of Compatibility of Public Offices and Positions* provides that such appointment is incompatible with the elected or appointed employee's position with the County. If the Index does not address the appointment, the County appointing authority shall request the opinion of the Inspector General on whether the appointment is incompatible, and the Inspector General or his or her designee in the Inspector General's office shall provide said opinion within ~~five (5)~~ **business days of the request a reasonable time based on the circumstances, but not to exceed ten (10) working days;**
- (B) One or more Full Family members or Business Associates serving on the same Board, commission or advisory board; or
- (C) An interest in one or more public contracts of the County or contracts in effect with or under consideration by that Board, commission or advisory board.

(Amended 4/26/2011 by Ordinance No. O2011-0023)

Section 27. Duty to Recuse or Leave Meeting

- ~~(A) — To avoid the appearance of impropriety, after any Public Official or Employee is determined to have a conflict of interest or a potential conflict of interest in any matter, and once all questions relating to the conflict of interest have been answered to the satisfaction of the decision maker, the Public Official or Employee shall immediately leave the meeting room, except that if the matter is being considered at a Public meeting, the Public Official may remain in the area of the room occupied by the general Public.~~
- ~~(B) — Nothing herein shall require members of voting bodies to leave their seats while action is taken regarding any item contained on a consent agenda on which there is no deliberation, the Public Official's or Employees conflict has~~

~~been disclosed, and the Public Official or Employee abstains from voting on the item.~~

Section 28. Employment of Relatives

An employee will not participate in the decisions involving a direct benefit to relatives such as employment, retention, appraisal, promotion, salary, and leave of absence. To preclude actual favoritism or the appearance of favoritism in the employment relationship, no employee shall take any part in the selection process for a position for which a full family member is an applicant. In addition, an individual may not be assigned or accept employment in a department in which a supervisory authority and/or responsibility directly affecting that department is provided by a Full Family member of the individual. Employees who become related as a result of marriage (their own or that of a relative) will be transferred to another work unit.

Relationship to another individual employed by the County will not constitute a bar to initial employment unless the hiring authority for the position is a Full Family member of the applicant. The County extends equal consideration to all applicants and candidates for employment. Neither positive nor negative weight shall be considered when a Fully Family relationship exists with another County employee.

Section 29. Additional Financial Disclosure Requirements

- (A) ***Filing Requirements.*** Pursuant to, and in addition to the financial disclosure filing procedures contained in Ohio Revised Code Section 102.02, individuals occupying the following positions shall file with the Inspector General, unless required by Ohio law to file with the Ohio Ethics Commission, the disclosure statements described in Ohio Revised Code Section 102.02 on a form prescribed by the Ohio Ethics Commission:

- (1) Officers and Directors appointed pursuant to Article V, Section 7.03, Section 8.02, Section 10.01, and Section 11.03 of the Cuyahoga County Charter;
- (2) Department or Division Directors that directly report to the County Executive or County Prosecutor;
- (3) The Inspector General;
- (4) Chief of Staff and/or First Assistant to the County Executive, County Council or County Prosecutor;
- (5) Deputy Chiefs of Staff reporting directly to the County Executive's Chief of Staff;
- (6) Directors, Deputy Directors, Administrators or similarly titled employees that report directly to the individuals identified in Subsections 1, 2 and 3 above;
- (7) Board of Revision Hearing Officers; and
- (8) Clerk of County Council.

~~to, and in addition to, the financial disclosure filing procedures in OHIO REVISED CODE (ORC) Section 102.02, all department heads and senior management level staff, including deputy directors shall file with the Ohio Ethics Commission and the Inspector General with the Inspector General, unless required by Ohio law to file with the Ohio Ethics Commission (OEC), the disclosure statements described in OHIO REVISED CODE (ORC) Section 102.02 on a form prescribed by the Ohio Ethics Commission no later than June 30th April 15th of each year.~~

(B) Filing Deadlines.

- (1) In addition to the Ohio Ethics Commission financial disclosure filing deadlines in ORC Section 102.02, the filing deadline for the 2011 financial disclosure forms shall be submitted to the Inspector General no later than July 2, 2012.**
- (2) In addition to the Ohio Ethics Commission financial disclosure filing deadline in ORC Section 102.02, the filing deadline for all subsequent annual financial disclosure forms shall be April 15th of each year. If the filing deadline falls on a non-County business day, the filing deadline shall be extended to the next regular County business day.**

(Amended 4/26/2011 by Ordinance No. O2011-0023)

Section 30. Financial Disclosure Statements and Campaign Finance Report Disclosure

The Inspector General shall obtain from the Ohio Ethics Commission and the County Board of Elections the financial disclosure statements and campaign finance reports and any other reports publicly available for all candidates for election or re-election to any County office as well as those required to file financial disclosure statements listed in Article VIII, Section 1 of this Ordinance.

Section 31. Financial Disclosure Statements Filed Before Taking Office

- ~~(A) No~~ Any individual occupying the positions in Article VII, Section 29 of this Ordinance who has not previously filed a financial disclosure statement for the year preceding his or her appointment shall file a financial disclosure statement for that year with the Inspector General within thirty (30) days of appointment to his or her new position. ~~shall take the oath No head of any department or a County chartered office, Deputy Director, First Assistant, or other similarly situated person, or Chief of Staff or other member of the County Executive's and County Council senior management team shall take the oath of office or enter or continue upon his or her duties, nor shall that person receive compensation from the County, unless that person has filed a financial disclosure statement with the Inspector General, unless required by Ohio law to file with the Ohio Ethics Commission (OEC).~~
- ~~(B)~~ Failure to comply with this section may result in ~~referral to~~ **an issuance of a penalty** by the Inspector General.

Section 32. Lobbyist Registration and Reporting

- (A) Registry.** Effective January 1, 2012, all Lobbyists shall be registered with the Inspector General. The Registry application form shall include the entity for which the person is lobbying, the employer's name, type of business, current contact information, a current list of the contracts or policies they are trying to influence, and a list of campaign contributions to County elected officials. ~~Registration shall be valid for 12 months.~~ **The registration form shall also include an ethics statement that requires Lobbyists to certify their**

compliance with this Ordinance. As necessary, the Inspector General may choose to require additional information.

- (B) ~~*Signed Ethics Statement and Training.*~~ Lobbyists shall also sign an ethics statement indicating they have read, understood and agreed to follow the pertinent sections of this Ordinance and attend ethics training within ~~15~~ **thirty-one (31)** days of approval from the Inspector General. **Lobbyists must attend an ethics training program established by the Inspector General prior to doing business with the County. As part of the training program, the Inspector General shall furnish each Lobbyist with a copy of the current version of this Ordinance. Ethics Training for Lobbyists shall remain effective until December 31 of the respective registration year that is four (4) calendar years after the year in which the Lobbyist previously registered. The Inspector General shall provide all registered Lobbyists notice of any relevant amendments to this Ordinance within ten (10) business days of the effective date.**
- (C) *Penalties.* Effective January 1, 2012, a Lobbyist who fails to comply with provisions ~~a, b, or c,~~ **(A) or (B)** shall be prohibited from entering into any ~~contracts~~ **engaging in any lobbying activities** with the County until they are in compliance. A lobbyist who is found to be in violation of this Ordinance shall be removed from the registry and be prohibited from entering into ~~contracts~~ **engaging in any lobbying activities** with the County for a period determined by the Inspector General, along with such other penalty(ies) as the Inspector General may deem appropriate.
- (D) *Authorization.* Effective January 1, 2012, no Lobbyist shall engage in any lobbying activity until the registration process has been completed and approved by the Inspector General.
- ~~(E) *Registration Date.* All Lobbyists must register with the Inspector General for annually, on or before December 31, for the subsequent year to which they wish to engage in lobbying activities. First-time registration may take place at anytime during the calendar year for the year in which lobbying activity is to take place.~~
- (F) *Term. Registration may take place at any time prior to the lobbying activity occurring.* Lobbyist registrations shall expire on December 31 of the respective registration year **that is four (4) calendar years after the year in which the Lobbyist previously registered.**
- (G) *Transparency.* The Inspector General shall make all registrations available for public inspection and shall publish an active Lobbyist registration list on the ~~County~~ **Inspector General** website.
- (H) *Registry Application Fee:* \$100.00.
- (I) *Implementation Date.* Persons engaging in lobbying activities on or after the effective date of this Ordinance must comply with the requirements of this section beginning January 1, 2012.

(Amended 4/26/2011 by Ordinance No. O2011-0023; Amended 7/26/2011 by Ordinance No. O2011-0035)

Section 33. Prohibited Activities by Lobbyists

- (A) Lobbyists are prohibited from:
- (1) Paying **or providing** for Anything of Value for any Public Officials or Employees;
 - (2) **Paying for or providing for a Gift for any Public Official or Employee; and,**
 - (3) **M**aking campaign contributions for or otherwise on the behalf of any elected official(s) or candidate(s) for public office for the purpose of influencing the elected official(s) or candidate(s) on any matter of County Business.
- (B) Nothing in this Ordinance shall prohibit Lobbyists from making voluntary political contributions to any elected official, candidate, political action committee, political party, or any other political committee so long as such contributions are properly reported in accordance with applicable laws and regulations, including this Ordinance.

(Amended 4/26/2011 by Ordinance No. O2011-0023)

Section 34. Contractors Registration and Reporting

- (A) *Registry.* Effective January 1, 2012, all ~~e~~Contractors doing ~~do~~ business with the County must be registered with the Inspector General. The registration form shall include but not be limited to: the contractor's corporate name, federal tax identification number, address, type of business, names of the contractor's principals and contracts with the County during the past four years. ~~Registration shall be valid for 12 months.~~ **The registration form shall also include an ethics statement that requires Contractors to certify their compliance with this Ordinance.** As necessary, the Inspector General may choose to require additional information.
- (B) ~~*Signed Ethics Statement and Training.*~~ ~~At the time of submitting their registration materials, all Contractors, regardless of any monetary thresholds, shall also sign an ethics statement on a form provided by the Inspector General.~~ Contractors whose annual aggregate amount of contracting with the County exceeds \$15,000.00 on a calendar year basis must also attend an ethics training program established by the Inspector General prior to **doing business with the County.** ~~within 15 days of submission of the registration form and ethics statement to the Inspector General.~~ **As part of the training program, the Inspector General shall furnish each Contractor with a copy of the current version of this Ordinance. Ethics Training for Contractors shall remain effective until December 31 of the respective registration year that is four (4) calendar years after the year in which the Contractor previously registered. The Inspector General shall provide all registered Contractors notice of any relevant amendments to this Ordinance within ten (10) business days of the effective date.**
- (C) *Awards.* Effective January 1, 2012, **completion of registration and training requirements** and the signed ethics statement shall be pre-conditions for the signing of any contract with the County. Effective January 1, 2012,

Contractors must submit requisite registration documents, and if applicable based on monetary thresholds in Section H below, **complete the ethics training requirement and submit** the registry application fee to the Inspector General ~~concurrently with or before they submit competitive bids or proposals. Contractors not procured through a competitive bid process must submit the requisite registration documents, and if applicable based on the monetary thresholds in Section H below, the registration application fee to the Inspector General~~ prior to approval and signature of the contract by the County.

- (D) *Penalties.* Contractors who fail to comply with provisions (A), (B), or (C), shall have their bids/proposals disqualified and may not enter into contracts with the County until they come into compliance. Contractors who are found to be in violation of this Ordinance shall be removed from the registry and be prohibited from entering into contracts with the County for a period determined by the Inspector General, along with such other penalty(ies) as the Inspector General may deem appropriate.
- (E) *Authorization.* Effective January 1, 2012, no Contractor shall engage in any contracting activity until the registration process has been completed and approved by the Inspector General.
- (F) *Term.* Registration may take place at any time during the calendar year for the year in which contracting activity is to take place. Contractor registrations shall expire on December 31 ~~for~~ of the respective registration year **that is four (4) calendar years after the year in which the Contractor previously registered.**
- (G) *Transparency.* Unless disclosure is otherwise prohibited by law, the Inspector General shall make all registrations available for public inspection and shall publish an active contractor registration list on the ~~County~~ **Inspector General** website.
- (H) *Registry Application Fee.*
 - a. The registry application fee shall be \$100.00 for any Contractor whose annual aggregate amount of contracting with the County exceeds \$15,000.00 on a calendar year basis.
 - b. The County shall not charge a registration application fee from Contractors whose annual aggregate amount of contracting with the County totals \$15,000.00 or less on a calendar year basis.
 - c. It shall be the Contractor's responsibility to keep track of the annual aggregate amount of contracting with the County and to comply with all registration requirements, including prompt payment of the registry application fee and training.
 - d. The Inspector General shall coordinate with the Fiscal Officer to obtain aggregate amounts of contracting for the Contractors to verify compliance with the registration requirements of this Ordinance.

- (I) *Implementation Date.* Contractors entering into contracts with the County on or after the effective date of this Ordinance must comply with the requirements of this Section beginning January 1, 2012.
- (J) *Exemptions.* With the exception of the ethics statement provision in Subsection (B), the provisions of this Section shall not apply to the following Contractors:
 - (i) Other political subdivisions or governmental entities/agencies;
 - (ii) Persons or entities that receive either direct payments or reimbursement from the County for emergency purchase of items required to serve basic needs, including, but not limited to, temporary foster care providers and grocery or department stores that accept vouchers for basic needs;
 - (iii) Persons or entities that receive County funds through a County-sponsored rebate program, including, but not limited to, the County Storefront Renovation Rebate Program; and
 - (iv) Court reporters or expert witnesses in connection with civil litigation or criminal prosecution.

(Amended 4/26/2011 by Ordinance No. O2011-0023; Amended 7/26/2011 by Ordinance No. O2011-0035; Amended 10/25/2011 by Ordinance No. O2011-0052; Amended 1/10/2012 by Ordinance No. O2012-0002)

Section 35. Prohibited Activities by Contractors

- (A) Contractors are prohibited from:
 - (1) **Paying or providing** for Anything of Value for any Public Officials or Employees;
 - (2) **Paying for or providing for a Gift for any Public Official or Employee; and,**
 - (3) **M**aking campaign contributions for or otherwise on the behalf of any elected official(s) or candidate(s) for public office for the purpose of influencing the elected official(s) or candidate(s) on any matter of County Business.
- (B) Nothing in this Ordinance shall prohibit Contractors from making voluntary political contributions to any elected official, candidate, political action committee, political party, or any other political committee so long as such contributions are properly reported in accordance with applicable laws and regulations, including this Ordinance.

(Amended 4/26/2011 by Ordinance No. O2011-0023)

Section 36. County Procurement Card

The County procurement card is a credit card issued by the County to use for certain work related purchases. The procurement card is provided to enable County departments to become more productive by improving efficiency in procurement and expediting payments to vendors.

Each County employee who is assigned a procurement card shall be required to sign a "Cuyahoga County Procurement Card Program Cardholder Acknowledgement" form. By signing the form and accepting the procurement card, the employee agrees to comply with the following responsibilities:

- (A) The procurement card is to be used for individual County-approved purchases of under \$500 and within otherwise established limits.
- (B) The procurement card shall not be used for personal purchases. All charges will be billed directly to and paid directly by the County. The bank cannot accept any monies from employees directly. Therefore, any personal charges billed to the County could be considered misappropriation of County funds.
- (C) The card is issued in the employee's name. Therefore, the employee is responsible for keeping the card in a secure location and for assuring that no other person uses the card. The employee is accountable for any and all charges against the card.
- (D) If the card is lost or stolen, the employee shall immediately notify the card issuer by telephone. The employee shall then provide written notification to the program administrator and their department coordinator.
- (E) The card is County property. As such, the employee is required to comply with internal control procedures designed to protect County assets. This may include being asked to produce the card to validate its existence and account number.
- (F) The employee shall record all transactions on the procurement card log, attaching the related receipts for each purchase. The employee shall cooperate with their agency coordinator to reconcile all purchasing activity by reconciling the purchasing log with the monthly statements during statement periods. The employee shall resolve any discrepancies by contacting the vendor first and will involve the program administrator when necessary.
- (G) The card may be revoked at any time in the sole discretion of the County. The employee must surrender the card immediately upon termination of employment.

Section 37. Exemptions

- (A) The Inspector General, with approval of the County Board of Control, may grant exemptions from the requirements of Sections 32 and 34 of Article VII of this Ordinance.
- (B) Requests for exemptions may be submitted to the Inspector General. In addition, the Inspector General may request an exemption upon his or her own initiative. Any request for exemption approved by the Inspector General shall then be submitted to the Board of Control for approval. An exemption is only granted upon approval of the Inspector General and the Board of Control. Should either the Inspector General or the Board of Control deny an exemption request, the aggrieved party may appeal the decision to the full County Council.

- (C) The Inspector General shall post all exemptions granted under this Section on his or her website.

(Amended 10/25/2011 by Ordinance No. O2011-0052)

ARTICLE VIII. HUMAN RESOURCES COMMISSION

Section 1. General Responsibility

The Human Resource Commission shall be the **enforce** ethics compliance and **conduct** training for the County pertaining to this Ordinance.

Section 2. Additional Responsibilities

- (1) Provide copies to all employees of Ohio and County laws relating to ethics and related policies and manuals in accordance with Article 2, Section 14 and Article 7, Section 3 of this Ordinance;
- (2) Insure that employees acknowledge in writing that they have received the materials provided for in Subsection 1 of this section;
- (3) Conduct ethics training programs and classes for County employees, lobbyists, and contractors;
- (4) Post the Whistleblower Policy at County offices as provided for in Article 7, Section 21 of this Ordinance;
- (5) Write and send letters of notification, admonition, and censure regarding ethics law violations, when applicable; and
- (6) Take other actions necessary to perform its responsibility for ethics compliance and training for the County pertaining to this Ordinance, except for actions specifically assigned to another unit of Cuyahoga County government.

ARTICLE IX. INSPECTOR GENERAL

Section 1. General Responsibility

The Office of the Inspector General shall be the ethics investigative officer for the County and shall conduct all investigations pertaining to this Ordinance.

ARTICLE X. CORRECTION OF TYPOGRAPHICAL ERRORS

The Clerk of Council may at any time, with the approval of the Director of Law or his/her designee within the Department of Law, correct typographical errors appearing in this Ordinance, but no such change shall in any way affect the substance or meaning of this Ordinance or any part thereof.

(Amended 4/26/2011 by Ordinance No. O2011-0023)

County Council of Cuyahoga County, Ohio

Ordinance No. O2012-0008

Sponsored by: Councilmember Greenspan	An Ordinance amending Ordinance No. O2011-0019, which established the Agency of Inspector General and the responsibilities and duties of said Agency, and declaring the necessity that this Ordinance become immediately effective.
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WHEREAS, the Cuyahoga County Council established the Agency of Inspector General and the responsibilities and duties of said Agency in Ordinance No. O2011-0019; and,

WHEREAS, it is necessary to amend the establishing legislation in order to clarify the duties and powers of the Agency of Inspector General; and,

WHEREAS, it is necessary that this Ordinance become immediately effective in order that critical services provided by Cuyahoga County can continue and to continue the usual and daily operation of the County.

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

SECTION 1. Section 2 of the establishing legislation of the Agency of Inspector General, adopted in Ordinance No. O2011-0019, effective June 16, 2011, is hereby amended to read as follows (deletions stricken out; additions bolded and italicized):

SECTION 2. The Cuyahoga County Inspector General Agency.

(a) *Establishment.* There is hereby established the Agency of Inspector General to be known as the "Cuyahoga County Inspector General."

(b) *Direction of Agency.* The Inspector General shall direct the Agency and shall employ assistants and employees as shall be reasonably necessary to assist the Inspector General in carrying out the duties of the Agency in accordance with the budget parameters set forth in this Ordinance. In employing the assistants and other employees, the Inspector General shall comply with the hiring rules, regulations and processes of the Human Resource Department of Cuyahoga County.

(c) *Investigative Powers and Duties.* The Inspector General is hereby appointed to conduct examinations under Section 2.05 of the County Charter and shall, therefore, have all such rights and duties to investigate fraud, corruption, waste, abuse, misfeasance, malfeasance, and nonfeasance without interference or pressure from any other Public Official or Employee. The Inspector General shall also perform all of the following:

(i) The Inspector General shall serve as the County's chief ethics officer and is charged with the responsibility of investigating and enforcing the ethics ordinance in accordance with the terms of said ordinance. In so doing, the Inspector General shall cooperate with the County's Human Resource Commission. The Inspector General shall not interfere with the authority of the Human Resource Commission to ensure "compliance with ethics resolutions or ordinances as passed by the Council" under Section 9.02(3) of the County Charter.

(ii) The Inspector General shall establish a "hotline" and web site to receive complaints from either anonymous or identified persons, and s/he shall investigate all complaints, tips, and any other filings and submittals received by the Agency regardless of the format or forum through which such information or documents are received. Without regard to how such documents are received by the Agency, all documents prepared or received by the Agency, including, without limitation, all complaints, tips, and any other filings and submittals received by it shall be considered part of the Inspector General's ~~confidential~~ investigative files.

(iii) The Inspector General shall have the powers and rights to investigate all county contracts subject to the limitations set forth in Section 2(d)(iii) of this Ordinance.

(iv) ~~When the Inspector General reasonably believes~~***If an investigation reveals reasonable grounds to believe*** that a possible violation of any state, federal, or local law, rule, regulation, or policy has taken place, ~~the Inspector General~~***the Inspector General***/he shall notify the appropriate civil, criminal, or administrative agencies in charge with enforcement of said violation. ~~In the case of a possible~~***If an investigation reveals reasonable grounds to believe that a*** violation of a rule, regulation, or policy governing a County employee ***has taken place***, the Inspector General shall notify the ~~County Executive~~***employee's appointing authority*** and the ***applicable*** Department of Human Resources.

(v) The Inspector General shall cooperate with other governmental agencies to recover such costs from other entities involved in willful misconduct in regard to County funds and return said funds to the County's General Fund.

(vi) The Inspector General shall prepare and publish *on its website* semiannual reports (the first of which will cover the period January 1st – June 30th and will be due in July and the second of which will cover the period July 1st – December 31st and will be due in February) concerning the work and activities of the Agency pertaining to closed investigations, including statistical information regarding the disposition of closed investigations, audits, and other reviews. The reports shall include the total number of complaints received during each reporting period, the number that required active investigation, the number that resulted in prosecution or other disciplinary actions, and the number of investigations closed, along with the cost incurred over and above that of the cost of the salaries of the Agency. ~~The Inspector General shall simultaneously publish the reports on the Agency's website.~~

(d) Limitations on the Inspector General's Investigative Powers and Duties.

(i) *No Interference with Ongoing Investigations.* The Inspector General shall not interfere with any ongoing criminal, administrative, or civil investigation or prosecution in the performance of his/her duties. If necessary, the Inspector General shall suspend all investigative activities to ensure that the Agency's actions do not interfere with any such investigations.

(ii) *Protection of Constitutional and Civil Rights.* The Inspector General shall manage the Agency and conduct all investigations in accordance with law and in a manner that protects the constitutional and civil rights of any person who is the subject of an investigation as well as the constitutional and civil rights of any potential witnesses. The Inspector General shall adopt policies and procedures to ensure that such protections are in place in conducting any investigations or performing any other function.

(iii) *Effect on Contracts.* The enactment of this Ordinance shall not be interpreted to interfere with or change the terms of any contracts with the County in place at the time

of its enactment. All contracts and contract amendments entered into on or after the effective date of this Ordinance, however, shall be subject to the requirements of this Ordinance. In addition to the County's powers to enforce this Ordinance under its home rule powers, this Ordinance, including all obligations by contractors, shall be considered a material term of all contracts or contract amendments entered with the County on or after the effective date of this Ordinance, and all contractors shall comply with its requirements as a material term of their contracts with the County. All Inspector General inspections or investigations of a contractor shall specifically relate to a contract with the County.

(e) Inspector General's Budget.

(i) *Initial Budget.* Through the remainder of the year 2011, the Inspector General's budget shall be \$375,000.00.

(ii) *Subsequent Annual Budget.* With the benefit of having experienced the needs and expenses of the Agency for the year 2011, the Inspector General shall submit a proposed budget for the year 2012 in accordance with the time parameters of Council's regular budgetary practices.

(iii) *Requests for Additional Funding.* Nothing contained herein shall be construed to prohibit the Inspector General from transmitting to the Council supplemental budget requests, which shall be reviewed and considered in the normal budgetary process.

(f) Agency's Facilities, Furniture, Equipment and Software.

The County shall exercise good faith efforts to provide the Agency with appropriately located office space and sufficient physical facilities, including office furniture, equipment, and software, commensurate with other County departments of similar size and needs.

SECTION 2. It is necessary that this Ordinance become immediately effective in order that critical services being provided by Cuyahoga County can continue without interruption, and to continue the usual daily operation of the County. Provided that this Ordinance receives the affirmative vote of eight members of Council, this Ordinance shall become immediately effective upon the signature of the County Executive.

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 _____, seconded by _____, the foregoing Ordinance was duly enacted.

Yeas:

Nays:

County Council President Date

County Executive Date

Clerk of Council Date

First Reading/Referred to Committee: March 13, 2012

Committee(s) Assigned: Rules, Charter Review, Ethics & Council Operations

Second Reading: May 8, 2012

Journal _____
_____, 2012

County Council of Cuyahoga County, Ohio

Ordinance No. O2011-0056

Sponsored by: Councilmembers Greenspan, Miller and Germana	An Ordinance establishing a General Fund, Fund Balance Reserve Policy and Replenishment Plan; and declaring the necessity that this Ordinance become immediately effective.
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WHEREAS, the Cuyahoga County Charter provides for the transition, effective January 1, 2011, to a county governed by an elected County Executive and an eleven member elected County Council; and,

WHEREAS, the County Council has the power to establish by ordinance a General Fund, Fund Balance Reserve Policy and Replenishment Plan; and,

WHEREAS, the County Council has, through the 2012-2013 Biennial Budget Goals, strived to achieve a goal of an unreserved fund balance of 25% (twenty-five percent) reserve balance to current year expenditure ratio of the General Fund as an undedicated General Fund, fund balance reserve; and,

WHEREAS, the County Council is desirous of replenishing the General Fund, Fund Balance Reserve should the County Council vote to use any such funds; and,

WHEREAS, a formal reserve policy and a replenishment plan is recommended by various finance and accounting professional organizations and independent bond rating agencies; and,

WHEREAS, it is recognized by the Government Accounting Standards Board and the Government Finance Officers Association that it is prudent for local government entities to establish a formal reserve policy for General Operating Funds; and,

WHEREAS, it is necessary that this Ordinance become immediately effective in order that critical services provided by Cuyahoga County can continue and to continue the usual and daily operation of the County.

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

SECTION 1. The County Council hereby establishes twenty-five percent (25%) of the current fiscal year's General Fund ongoing budgeted operating expenditures as a General Fund, fund balance reserve.

SECTION 2. The reserve may only be used to stabilize revenues, mitigate a projected deficit in the current operating period, retire or defease outstanding bonds or notes of the County, fund one-time or unanticipated expenditures, and pay judgments or otherwise settle legal disputes and claims.

SECTION 3.

- A. Any legislation that results in reducing General Fund reserves below the twenty-five percent (25%) threshold shall contain a provision authorizing the use of reserves.
- B. The County Executive shall inform the Council, with at least one hundred twenty (120) days' notice whenever possible, whenever the County has obligations that would reasonably be expected to result in the General Fund reserve declining below the twenty-five percent (25%) threshold.
- C. At any other time that the Council determines that the use of General Fund reserves within the twenty-five percent (25%) threshold is needed for one or more of the reasons provided for in Section 2, the Council shall by resolution, authorize the use of such reserves.

SECTION 4. Not later than one hundred twenty (120) days after the enactment of legislation containing the authorization described in Section 3A, receipt of notification as described in Section 3B, or enactment of a resolution as provided for in Section 3C, the County shall, by resolution, enact a General Fund Reserve Replenishment Plan, which shall include all of the following:

- A. An estimate of the extent to which reserves within the twenty-five percent (25%) threshold shall need to be expended;
- B. A timetable for restoring the General Fund Reserve to the twenty-five percent (25%) threshold or greater; and
- C. The ways and means to be used to replenish the General Fund Reserve.

Following enactment of a General Fund Reserve Replenishment Plan, the County Executive and County Council shall monitor performance under the plan on at least a quarterly basis and amend the plan as needed to respond to changing circumstances.

SECTION 5. Effective Date. It is necessary that this Ordinance become immediately effective in order that critical services being provided by Cuyahoga County can continue without interruption, and to continue the usual daily operation of the County. Provided that this Ordinance receives the affirmative vote of eight members of the County Council, this Ordinance shall become immediately effective upon signature of the County Executive.

SECTION 6. It is found and determined that all formal actions of this Council meeting 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 _____, seconded by _____, the foregoing Ordinance was duly enacted.

Yeas:

Nays:

County Council President Date

County Executive Date

Clerk of Council Date

First Reading/Referred to Committee: December 6, 2011

Committee(s) Assigned: Finance & Budgeting

Second Reading: April 24, 2012

Additional Sponsorship Requested on the Floor: April 24, 2012

Journal _____
_____, 2012

Proposed Substitute Ordinance

County Council of Cuyahoga County, Ohio

Ordinance No. O2011-0056

Sponsored by: Councilmembers Greenspan and Miller	An Ordinance establishing a General Fund, Fund Balance Reserve Policy; and declaring the necessity that this Ordinance become immediately effective.
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WHEREAS, the Cuyahoga County Charter provides for the transition, effective January 1, 2011, to a county governed by an elected County Executive and an eleven member elected County Council; and,

WHEREAS, the County Council has the power to establish by ordinance a General Fund, Fund Balance Reserve Policy; and,

WHEREAS, the County Council has, through the 2012-2013 Biennial Budget Goals, strived to achieve a goal of an unreserved fund balance of 25% (twenty-five percent) reserve balance to current year expenditure ratio of the General Fund as an undedicated General Fund, fund balance reserve; and,

WHEREAS, a formal reserve policy is recommended by various finance and accounting professional organizations and independent bond rating agencies; and,

WHEREAS, it is recognized by the Government Accounting Standards Board and the Government Finance Officers Association that it is prudent for local government entities to establish a formal reserve policy for General Operating Funds; and,

WHEREAS, it is necessary that this Ordinance become immediately effective in order that critical services provided by Cuyahoga County can continue and to continue the usual and daily operation of the County.

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

SECTION 1. The County Council hereby establishes twenty-five percent (25%) of the current fiscal year's General Fund ongoing budgeted operating expenditures as a General Fund, fund balance reserve.

SECTION 2. The reserve may only be used to stabilize revenues, mitigate a projected deficit in the current operating period, retire or defease outstanding bonds or notes of the County, fund one-time or unanticipated expenditures, and pay judgments or otherwise settle legal disputes and claims.

SECTION 3.

- A. Any legislative action that results in reducing General Fund reserves below the twenty-five percent (25%) threshold shall contain a provision authorizing the use of reserves.
- B. The County Executive shall inform the Council, with at least one hundred twenty (120) days' notice whenever possible, whenever the County has obligations that would reasonably be expected to result in the General Fund reserve declining below the twenty-five percent (25%) threshold.
- C. At any other time that the Council determines that the use of General Fund reserves within the twenty-five percent (25%) threshold is needed for one or more of the reasons provided for in Section 2, the Council shall by resolution, authorize the use of such reserves.

SECTION 4. Effective Date. It is necessary that this Ordinance become immediately effective in order that critical services being provided by Cuyahoga County can continue without interruption, and to continue the usual daily operation of the County. Provided that this Ordinance receives the affirmative vote of eight members of the County Council, this Ordinance shall become immediately effective upon signature of the County Executive.

SECTION 5. It is found and determined that all formal actions of this Council meeting 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 _____, seconded by _____, the foregoing Ordinance was duly enacted.

Yeas:

Nays:

County Council President Date

County Executive Date

Clerk of Council Date

First Reading/Referred to Committee: December 6, 2011
Committee(s) Assigned: Finance & Budgeting

Second Reading: April 24, 2012

Journal CC006
May 8, 2012

County Council of Cuyahoga County, Ohio

Ordinance No. O2011-0058

Sponsored by: Councilmembers Greenspan, Miller and Germana	An Ordinance establishing a Health and Human Services Levy Fund, Fund Balance Reserve Policy and Replenishment Plan; and declaring the necessity that this Ordinance become immediately effective.
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WHEREAS, the Cuyahoga County Charter provides for the transition, effective January 1, 2011, to a county governed by an elected County Executive and an eleven member elected County Council; and

WHEREAS, the County Council has the power to establish by ordinance a Health and Human Services Levy Fund Balance Reserve Policy and Replenishment Plan; and,

WHEREAS, the County Council has, through the 2012-2013 Biennial Budget Goals, strived to achieve a goal of an unreserved fund balance of 15% (fifteen percent) reserve balance to current year expenditure ratio of the Health and Human Services Levy Fund as an undedicated Health and Human Services Levy Fund, fund balance reserve; and,

WHEREAS, the County Council is desirous of replenishing the Health and Human Services Levy Fund, Fund Balance Reserve should the County Council vote to use any such funds; and,

WHEREAS, a formal reserve policy and a replenishment plan is recommended by various finance and accounting professional organizations and independent bond rating agencies; and,

WHEREAS, it is recognized by the Government Accounting Standards Board and the Government Finance Officers Association that it is prudent for local government entities to establish a formal reserve policy for Health and Human Services Operating Funds; and,

WHEREAS, it is necessary that this Ordinance become immediately effective in order that critical services provided by Cuyahoga County can continue and to continue the usual and daily operation of the County.

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

SECTION 1. The County Council hereby establishes 10% (ten percent) of the current fiscal year's Health and Human Services Levy Fund ongoing budgeted operating expenditures as a Health and Human Services Levy Fund, fund balance reserve except that the Health and Human Services Levy Fund, fund balance reserve shall be 15% (fifteen percent) through December 31, 2013.

SECTION 2. The reserve may only be used to stabilize revenues, mitigate a projected deficit in the current operating period, retire or defease outstanding bonds or notes of the County, fund one-time or unanticipated expenditures, and pay judgments or otherwise settle legal disputes and claims.

SECTION 3.

- A. Any legislation that results in reducing Health and Human Services Levy Fund reserves below the reserve balance target set in Section 1 shall contain a provision authorizing the use of reserves.
- B. The County Executive shall inform the Council, with at least one hundred twenty (120) days' notice whenever possible, whenever the County has obligations that would reasonably be expected to result in the Health and Human Services Levy Fund reserve declining below the reserve balance target set in Section 1.
- C. At any other time that the Council determines that the use of Health and Human Services Levy Fund reserves within the reserve balance target set in Section 1 are needed for one or more of the reasons provided for in Section 2, the Council shall, by resolution, authorize the use of such reserves.

SECTION 4. Not later than one hundred twenty (120) days after the enactment of legislation containing the authorization described in Section 3A, receipt of notification as described in Section 3B, or enactment of a resolution as provided for in Section 3C, the Council shall, by resolution, enact a Health and Human Services Levy Fund, Reserve Replenishment Plan, which shall include all of the following:

- A. An estimate of the extent to which reserves within the reserve balance target set in Section 1 shall need to be expended;
- B. A timetable for restoring the Health and Human Services Levy Fund Reserve to the reserve balance target set in Section 1 or greater; and
- C. The ways and means to be used to replenish the Health and Human Services Levy Fund Reserve.

Following enactment of a Health and Human Services Levy Fund, Reserve Replenishment Plan, the County Executive and County Council shall monitor performance under the plan on at least a quarterly basis and amend the plan as needed to respond to changing circumstances.

SECTION 5. Effective Date. It is necessary that this Ordinance become immediately effective in order that critical services being provided by Cuyahoga County can continue without interruption, and to continue the usual daily operation of the County. Provided that this Ordinance receives the affirmative vote of eight members of the County Council, this Ordinance shall become immediately effective upon signature of the County Executive.

SECTION 6. It is found and determined that all formal actions of this Council meeting 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 _____, seconded by _____, the foregoing Ordinance was duly enacted.

Yeas:

Nays:

County Council President Date

County Executive Date

Clerk of Council Date

First Reading/Referred to Committee: December 6, 2011

Committee(s) Assigned: Finance & Budgeting

Second Reading: April 24, 2012

Additional Sponsorship Requested on the Floor: April 24, 2012

Journal _____
_____, 2012

Proposed Substitute Ordinance

County Council of Cuyahoga County, Ohio

Ordinance No. O2011-0058

Sponsored by: Councilmembers Greenspan and Miller	An Ordinance establishing a Health and Human Services Levy Fund, Fund Balance Reserve Policy; and declaring the necessity that this Ordinance become immediately effective.
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WHEREAS, the Cuyahoga County Charter provides for the transition, effective January 1, 2011, to a county governed by an elected County Executive and an eleven member elected County Council; and

WHEREAS, the County Council has the power to establish by ordinance a Health and Human Services Levy Fund Balance Reserve Policy; and,

WHEREAS, the County Council has, through the 2012-2013 Biennial Budget Goals, strived to achieve a goal of an unreserved fund balance of 15% (fifteen percent) reserve balance to current year expenditure ratio of the Health and Human Services Levy Fund as an undedicated Health and Human Services Levy Fund, fund balance reserve; and,

WHEREAS, a formal reserve policy is recommended by various finance and accounting professional organizations and independent bond rating agencies; and,

WHEREAS, it is recognized by the Government Accounting Standards Board and the Government Finance Officers Association that it is prudent for local government entities to establish a formal reserve policy for Health and Human Services Operating Funds; and,

WHEREAS, it is necessary that this Ordinance become immediately effective in order that critical services provided by Cuyahoga County can continue and to continue the usual and daily operation of the County.

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

SECTION 1. The County Council hereby establishes ten percent (10%) of the current fiscal year's Health and Human Services Levy Fund ongoing budgeted operating expenditures as a Health and Human Services Levy Fund, fund balance reserve except that the Health and Human Services Levy Fund, fund balance reserve shall be fifteen percent (15%) through December 31, 2013.

SECTION 2. The reserve may only be used to stabilize revenues, mitigate a projected deficit in the current operating period, retire or defease outstanding bonds or notes of the County, fund one-time or unanticipated expenditures, and pay judgments or otherwise settle legal disputes and claims.

SECTION 3.

- A. Any legislative action that results in reducing Health and Human Services Levy Fund reserves below the reserve balance target set in Section 1 shall contain a provision authorizing the use of reserves.
- B. The County Executive shall inform the Council, with at least one hundred twenty (120) days' notice whenever possible, whenever the County has obligations that would reasonably be expected to result in the Health and Human Services Levy Fund reserve declining below the reserve balance target set in Section 1.
- C. At any other time that the Council determines that the use of Health and Human Services Levy Fund reserves within the reserve balance target set in Section 1 are needed for one or more of the reasons provided for in Section 2, the Council shall, by resolution, authorize the use of such reserves.

SECTION 4. Effective Date. It is necessary that this Ordinance become immediately effective in order that critical services being provided by Cuyahoga County can continue without interruption, and to continue the usual daily operation of the County. Provided that this Ordinance receives the affirmative vote of eight members of the County Council, this Ordinance shall become immediately effective upon signature of the County Executive.

SECTION 5. It is found and determined that all formal actions of this Council meeting 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 _____, seconded by _____, the foregoing Ordinance was duly enacted.

Yeas:

Nays:

County Council President Date

County Executive Date

Clerk of Council Date

First Reading/Referred to Committee: December 6, 2011
Committee(s) Assigned: Finance & Budgeting

Second Reading: April 24, 2012

Journal CC006
May 8, 2012

County Council of Cuyahoga County, Ohio

Resolution No. R2012-0077

Sponsored by: County Executive FitzGerald/Fiscal Officer/Office of Budget & Management	A Resolution amending the 2012/2013 Biennial Operating Budget for 2012 by providing for additional fiscal appropriations from the General Fund and other funding sources in order to meet the budgetary needs of various County departments; and declaring the necessity that this Resolution become immediately effective.
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WHEREAS, on December 13, 2011, the Cuyahoga County Council adopted the 2012/2013 Biennial Operating Budget and Capital Improvements Program (Resolution No. R2011-0291) establishing the 2012/2013 biennial budgets for all County departments, offices and agencies; and

WHEREAS, it is necessary to adjust the 2012/2013 Biennial Operating Budget for 2012 to reflect budgetary funding increases, funding reductions, to transfer budget appropriations, and to transfer cash between budgetary funds, in order to accommodate the operational needs of certain County departments, offices, and agencies; and

WHEREAS, it is further necessary that this Resolution become immediately effective in order that critical services provided by Cuyahoga County can continue and to provide for the usual, daily operation of County departments, offices, and agencies;

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

SECTION 1. That the 2012/2013 Biennial Operating Budget for 2012 be amended to provide for the following additional appropriation increases and decreases:

	<u>Fund Nos./Budget Accounts</u>	<u>Journal Nos.</u>
A.	24A510- Public Assistance Work and Training WT137315 – Work First Services Other Expenses \$ 3,764,798.40	BA1200417

Funding Source: Ohio Department of Job and Family Services The appropriation for this program includes \$250,000.00 for administrative expenses incurred by Workforce Development which will be funded from the Health & Human Services Levy Fund.

B.	28W036- Workforce Investment Act WI140905 – WIA Executive and Financial Operations Other Expenses \$ 3,764,798.40	BA1200418
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Funding Source: Ohio Department of Job and Family Services The appropriation for this program includes \$250,000.00 for administrative expenses incurred by Workforce Development which will be funded from the Health & Human Services Levy Fund.

SECTION 2. This Resolution is hereby determined to be an emergency measure and that it is necessary that this Resolution become immediately effective in order that critical services provided by Cuyahoga County can continue, and to continue the usual and daily operation of County departments, offices and agencies. Provided that this Resolution receives the affirmative vote of eight members of Council, this Resolution shall become immediately effective upon the signature of 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.

On a motion by _____, seconded by _____, the foregoing Resolution was duly adopted.

Yeas:

Nays:

County Council President

Date

County Executive

Date

Clerk of Council

Date

Journal CC006
May 8, 2012

May 3, 2012

Clerk of County Council

Dear Ms. Schmotzer:

What follows is a brief summary of the fiscal items, which will be presented for your consideration for adoption on first reading at the regular County Council meeting scheduled for May 8, 2012.

Additional Appropriation Summary – Additional appropriations are needed when there is a new or increased revenue source, or a revision to the original budget appropriation that is required to cover expenses that exceed the original estimate. A budget review document is provided for General Fund and Health & Human Services Levy Fund impact items.

A reduction in appropriation is requested in conjunction with the close out of a program, grant, project or decertification of an encumbrance.

General Fund/Health & Human Services	Amount
Employment & Family Services – Additional appropriation to cover a sub-contract with Workforce Development for administrative costs of the Temporary Assistance to Needy Families Summer Youth Employment Program grant from the Ohio Department of Jobs & Family Services. Funding for these administrative costs are from the Health & Human Services Levy Fund.	\$250,000.00
TOTAL	\$250,000.00

Other Operating Funds	Amount
Workforce Development – Corresponding additional appropriation to administer the TANF Summer Youth Employment program for the Department of Employment & Family Services. Funding for the program is from the Ohio Department of Jobs & Family Services.	\$3,764,798.40
Employment & Family Services – To appropriate the TANF Summer Youth Employment Grant from the Ohio Department of Jobs & Family Services plus an additional \$250,000 to cover administrative costs to Workforce Development. See related additional appropriation for Workforce Development below.	\$3,514,798.40
TOTAL	\$7,279,596.80

Total Additional Appropriations - All Funds	\$7,529,596.80
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The following represents the overall changes made to the 2012-2013 Biennial Appropriation Measure for 2012 since its adoption on December 13, 2011 Resolution # R2011-0291. The changes reflect the Additional Appropriations, Appropriation Transfers and Cash Transfers to the original adopted appropriation resolution.

APPROPRIATION STATUS SUMMARY:

	<u>04/24 Agenda</u>	<u>Year to Date</u>	<u>Adjusted Annual Appropriation</u>
General Fund Impact	\$ 0.00	\$ 810,928.77	\$ 354,251,744.71
HHS Levy Impact	\$ 250,000.00	\$ 249,957.00	\$ 225,915,924.00
Other Fund	\$ <u>7,279,596.80</u>	\$ <u>52,912,998.30</u>	\$ <u>951,845,985.30</u>
Total	\$ 7,529,596.80	\$ 53,973,884.07	\$ 1,532,013,654.01

Thank you for your consideration regarding this matter.

Sincerely,



Matthew Rubino
Director, Office of Budget & Management
mrubino@cuyahogacounty.us
(216) 443-7448
Fax: (216) 443-7256

MEMORANDUM

TO: Jeanne Schmotzer, Clerk of Council

FROM: Matthew Rubino, Director, Office of Budget & Management

DATE: April 17, 2012

RE: Agenda Items

The Office of Budget & Management requests that the following fiscal items be presented to the members of County Council for their consideration for approval on first reading at the meeting of April 24, 2012. The requested fiscal items including additional appropriations, appropriation transfers, and cash transfers meet agency budgetary needs.

Resolution: Additional Appropriations

A. 24A510- Public Assistance Work and Training **BA1200417**
WT137315 – Work First Services
Other Expenses \$ 3,764,798.40

The HHS division of Employment and Family Services has received an award of \$3,514,798.40 from the Ohio Department of Job and Family Services for the TANF Summer Youth Program. In order to expend these time-limited funds efficiently, EFS will sub-contract the program to the Cuyahoga Workforce Development. Based on program estimates, approximately 1,500 – 2,000 students will be served. The appropriation for this program includes \$250,000 for administrative expenses incurred by Workforce Development. This allocation covers the period of May 1, 2012 through August 31, 2012. Please see corresponding appropriation increase in the Dept. of Workforce Development.

B. 28W036- Workforce Investment Act **BA1200418**
W1140905 – WIA Executive and Financial Operations
Other Expenses \$ 3,764,798.40

The HHS division of Employment and Family Services has received an award of \$3,514,798.40 from the Ohio Department of Job and Family Services for the TANF Summer Youth Program. In order to expend these time-limited funds efficiently, EFS will sub-contract the program to the Cuyahoga Workforce Development. Based on program estimates, approximately 1,500 – 2,000 students will be served. The appropriation for this program includes \$250,000 for administrative expenses incurred by Workforce Development. This allocation covers the period of May 1, 2012 through August 31, 2012. Please see corresponding appropriation increase in the Dept. of Workforce Development.

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Fiscal Office
Office of Budget & Management
1219 Ontario Street, Cleveland, OH 44113, (216) 443-7220, FAX (216) 443-7256
Ohio Relay Service (TTY) 711

County Council of Cuyahoga County, Ohio

Resolution No. R2012-0078

<p>Sponsored by: County Executive FitzGerald/Department of Health and Human Services/Division of Community Initiatives/Office of Homeless Services</p>	<p>A Resolution authorizing a contract with Emerald Development and Economic Network, Inc. in the amount not-to-exceed \$10,116,156.00 for the Shelter Plus Care Tenant-based Rental Assistance Program in connection with the FY2010 Continuum of Care Homeless Assistance Grant Programs and the McKinney-Vento Homeless Assistance Act for the period 4/10/2012 - 4/9/2013; authorizing the County Executive to execute the contract and all other documents consistent with this Resolution; and declaring the necessity that this Resolution become immediately effective.</p>
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WHEREAS, the County Executive FitzGerald/Department of Health and Human Services/ Division of Community Initiatives/Office of Homeless Services has submitted a request to contract with Emerald Development and Economic Network, Inc. (EDEN, Inc.) in the amount not-to-exceed \$10,116,156.00 for the Shelter Plus Care Tenant-based Rental Assistance Program in connection with the FY2010 Continuum of Care Homeless Assistance Grant Programs and the McKinney-Vento Homeless Assistance Act for the period of 4/10/2012 – 4/9/2013; and,

WHEREAS, Shelter Plus Care Program is a tenant-based rental assistance program for formerly homeless persons with disabilities; and,

WHEREAS, Shelter Plus Care Program promotes support service coordination with main stream behavioral health systems so that the individuals remain stably housed; and,

WHEREAS, this proposed contract received an RFP exemption on 4/16/2012 from the Contracts and Purchasing Board; and,

WHEREAS, EDEN, Inc. is located at 7812 Madison Ave., Cleveland, Ohio 44102 and is located in Council District 3; and,

WHEREAS, the Cuyahoga County Council authorized a contract with Emerald Development and Economic Network, Inc. for the Shelter Plus Care Program for the amount of \$10,022,700.00 for the time period 4/10/2011- 4/9/2012 pursuant to Resolution No. R2011-0194; and,

WHEREAS, the increased amount for this Grant award depends on the number of units, the distribution of unit size, and the annual Fair Market Rent as determined by the Department of Housing and Urban Development; and,

WHEREAS, this contract is funded 100% by federal funds awarded through the McKinney-Vento Homeless Assistance Grant; and,

WHEREAS, it is necessary that this Resolution become immediately effective in order to ensure that critical services provided by Cuyahoga County can continue, and so that the provider can maintain monthly rent payments throughout the community in a timely manner.

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

SECTION 1. The Cuyahoga County Council hereby authorizes a contract with Emerald Development and Economic Network, Inc. in the amount not-to-exceed \$10,116,156.00 for the Shelter Plus Care Tenant-based Rental Assistance Program in connection with the FY2010 Continuum of Care Homeless Assistance Grant Programs and the McKinney-Vento Homeless Assistance Act for the period 4/10/2012 - 4/9/2013.

SECTION 2. The County Executive is authorized to execute the contract and all documents required in connection with this Resolution.

SECTION 3. It is necessary that this Resolution become immediately effective in order that critical services provided by Cuyahoga County can continue without interruption, and to provide for the usual, daily operation of a county department; therefore, this Resolution, provided it receives the affirmative vote of eight members of Council, shall become effective immediately upon the signature of the County Executive; otherwise it shall be in full force and effect from and immediately after the earliest time permitted by law.

SECTION 4. 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.

On a motion by _____, seconded by _____, the foregoing Resolution was duly adopted.

Yeas:

Nays:

County Council President

Date

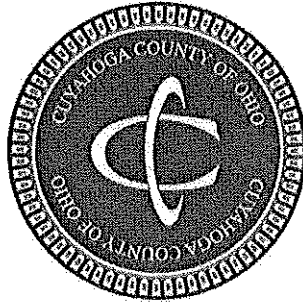
County Executive

Date

Clerk of Council

Date

Journal CC006
May 8, 2012



To: C. Ellen Connally, President, Cuyahoga County Council

Dan Brady, Chairman, Health and Human Services Committee

From: Matt Carroll, Chief of Staff, County Executive

Date: May 3, 2012

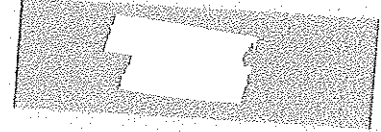
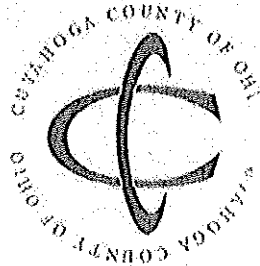
Re: EDEN Shelter Plus Care Contract

I have been asked to request an expedited approval process for the Emerald Development and Economic Network, Inc. (EDEN) Shelter Plus Care Tenant based Rental Assistance Program contract. **Specifically, I ask for Council's consent to approve this contract at the next regular Council meeting on Tuesday, May 8, 2012.** While this may be a break from the procedures that this Council has adopted, I think you will agree that the important work provided by the parties to this contract warrant the cooperation of both the County Executive and the County Council in issuing payment as quickly as possible.

You will recall that the Shelter Plus Care, Tenant based Rental Assistance Program is funded by the U.S. Department of Housing and Urban Development (HUD). The County received the HUD notice of award for this program on April 9, 2012, however the program year began April 10, 2012. Clearly there was no time to process the request prior to the start of the grant year. Cuyahoga County Department of Health and Human Services staff immediately moved to accept the award, while concurrently drafting the program's contract. OBM requested the processing of the funds through their bi-weekly report at the April 24, 2012 Council meeting, so the May 8 date is the earliest this contract can be reviewed by Council.

EDEN processes hundreds of thousands of dollars in these rental assistance funds each month, and it lacks the financial resources to carry this debt. These services support residents and property owners throughout the County, so the delay in program start up presents a hardship to all parties involved.

I thank you for your assistance in this matter and consideration of passage of the EDEN contract on first reading and for it to take effect immediately following the May 8, 2012 Council meeting. Please let me know if you have any questions or comments.



Item Details:

Agency/Dept. Name:	Administrator's Office/Office of Homeless Services	Agency/Dept. Head r Name:	
Type of Request:	Contract/Amendment		
Request Prepared by:	Ruth Gillett	Telephone No.	420-6844

SUMMARY OF REQUESTED ACTION:

Submitting a contract with Emerald Development & Economic Network, Inc. in the amount of \$10,116,156.00 for managing the Shelter Plus Care, Tenant Based Rental Assistance (TRA) program for the period April 10, 2012 through April 9, 2013.

A. Scope of Work Summary

1. Office of Homeless Services requesting approval of a contract with Emerald Development & Economic Network, Inc. in the amount of \$10,116,156.00 for the term of 4/10/2012 through 4/09/2013.
2. The primary goals of the Shelter Plus Care TRA program are to link homeless, disabled persons with safe and decent housing, and to promote support service coordination with main stream behavioral health systems so that people remain stably housed.
3. This is not a mandated activity.

B. Procurement

3. (Option 3) The proposed contract received an RFP exemption on 4/16/2012. CPB2012-368.

C. Contractor and Project Information

1. The provider address is:
Emerald Development & Economic Network, Inc.
7812 Madison Ave.
Cleveland, OH 44102

Council District 3

2. Kathy Kazol is the Executive Director of the agency. She can be reached at (216) 961-9690.

3. N/A

D. Project Status & Planning.

1. This Contract authorizes expending S+C Grant funds which are awarded to Cuyahoga County on an annual basis.

2. N/A

3. It is of critical timing importance that this contract be approved as quickly as possible. This Shelter Plus Care Contract will maintain monthly rent payments on over 1,000 units of scattered site housing in the community. The provider is forced to utilize a "Line of Credit" with Fifth Third Bank during the period between when the previous year contract expires and the new contract can be executed. Failure to exercise the Line of Credit option could result in vulnerable persons being threatened with eviction due to failure to pay their rent.

4. The contract term started on 4/10/2012. The reason for the delay in submitting the contract was due to a delay on HUD's part in forwarding the Grant Agreement (arrived 4/09); County protocols requireme to first accept the grant agreement, to appropriate county funds, and to request the exemption from competitive bidding, prior to submitting a contract.

5. N/A

E. Funding

1. The Contract is funded 100% by federal funds awarded through the McKinney- Vento Homeless Assistance Act.

2. The provider is reimbursed on a monthly basis.

3. N/A

PURPOSE/OUTCOMES - PRINCIPAL OWNER(S):

Explanation for late submittal:

The County is required to accept the grant award, appropriate funds, and approve an RFP exemption prior to a contract being submitted.

Contract/Agreement Information:

Procurement Method:

Exempt from Competitive Bid Requirements

Explanation for Increase/Decrease in \$ Amount for current request:

Increase - Grant award depends on a) the number of units, b) the distribution of unit size and c) the annual Fair Market Rent as determined by HUD.

Financial Information:

Funding source:

Federal

Explanation:

McKinney-Vento Homeless Assistance Grant award for the Shelter Plus Care program.

Total Amount Requested:
\$10,116,156.00

ATTACHMENTS:

Click to download

- [Emerald development & Economic Network, Inc. Blueback](#)
- [EDEN, Inc. S+C TRA Contract](#)
- [2012 EDEN Business Filing](#)
- [EDEN, Inc. Auditor's Findings](#)
- [EDEN, Inc. DMA](#)
- [EDEN Certificate of Insurance](#)
- [EDEN, Inc. Board Resollon](#)
- [EDEN, Inc. Workmans Comp Certificate](#)
- [EDEN, Inc. Contract Evaluation](#)

History

Time

Who

Approval

Office of Procurement &
Diversity

11/11/2011 10:00:00 AM


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CONTRACT/AGREEMENT EVALUATION FORM
(To be completed in its entirety by user department for
all contract/agreement renewals or amendments.)

Contractor: Emerald Development & Economic Network, Inc.

Contract/Agreement No.: CE1100292 **Time Period:** 4/10/2011 – 4/09/2012

Service Description: Administering the Shelter Plus Care rent subsidy program.

Original Contract/Agreement Amount: \$ 10,022,700.00

Prior Amendment(s) Amount(s): N/A

Performance Indicators: Rent payments paid on time; housing inspections conducted in a timely manner; compliance with HUD regulations for managing grant funds, data, and documenting match requirements.

Actual performance versus performance indicators (include statistics): EDEN has met all the performance indicators for managing the S+C grant program. EDEN has passed both a HUD monitoring review and the State Audit review.

Rating of Overall Performance of Contractor (Check One):

- Superior
- Above Average
- Average
- Below Average
- Poor

Justification of Rating: EDEN has continued to manage this challenging program for over 17 years. The agency is client focused and has increased its technical capacity to manage the program efficiently.

Office of Homeless Services

4/16/2012

User Department

Date

County Council of Cuyahoga County, Ohio

Resolution No. R2012-0079

Sponsored by: County Executive FitzGerald/Department of Public Safety and Justice Services/Division of Public Safety Grants	A Resolution authorizing an agreement with City of Cleveland in the amount not-to-exceed \$2,620,777.24 for reimbursement of eligible expenses for planning, training, exercises, equipment and grant administration in connection with the FY2009 Urban Area Security Initiative Grant Program for the period 8/1/2009 - 6/30/2012; and authorizing the County Executive to execute the agreement and all other documents consistent with this Resolution.
--	--

WHEREAS, the County Executive FitzGerald/Department of Public Safety and Justice Services/Division of Public Safety Grants has submitted an agreement with the City of Cleveland in the amount not-to-exceed \$2,620,777.24 for reimbursement of eligible expenses for planning, training, exercises, equipment and grant administration in connection with the FY2009 Urban Area Security Initiative (“UASI”) Grant Program for the period 8/1/2009 - 6/30/2012; and

WHEREAS, the primary goals of this project are (a) to provide funding for first responders to prepare for, prevent, respond to and recover from natural and man-made disasters; and (b) provide funding for homeland security related equipment, training, exercises, and planning activities, and

WHEREAS, the Cleveland projects were approved by the Public Safety Urban Area Working Group, and all equipment will be approved by the Ohio Emergency Management Agency (“OEMA”); and

WHEREAS, the County will not procure any goods or services by entering into this agreement; and

WHEREAS, the performance period of this agreement is August 1, 2009 through June 30, 2012; and

WHEREAS, the contractor for this project is:

City of Cleveland
601 Lakeside Avenue
Cleveland, Ohio 44114
Frank Jackson, Mayor of the City of Cleveland

Council Districts 2, 3, 7 and 8; and

WHEREAS, this project is funded 100% by the Department of Homeland Security (“DHS”) through OEMA. The grant is a reimbursement grant so expenses are submitted for reimbursement as they occur; and

WHEREAS, the Funding for FY09 UASI is passed through to Cuyahoga County from the OEMA and the DHS; and

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

SECTION 1. The Cuyahoga County Council hereby authorizes an agreement with City of Cleveland in the amount not-to-exceed \$2,620,777.24 for reimbursement of eligible expenses for planning, training, exercises, equipment and grant administration in connection with the FY2009 Urban Area Security Initiative Grant Program for the period 8/1/2009 - 6/30/2012.

SECTION 2. The County Executive is hereby authorized to execute the contract and all other documents consistent with this Resolution.

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.

On a motion by _____, seconded by _____, the foregoing Resolution was duly adopted.

Yeas:

Nays:

County Council President

Date

County Executive

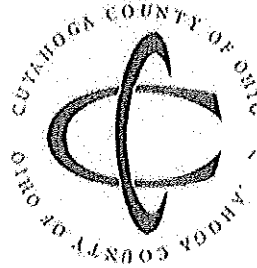
Date

Clerk of Council

Date

First Reading/Referred to Committee:
Committee(s) Assigned:

Journal _____
_____, 2012



Item Details:

Agency/Dept. Name:	Department of Justice Affairs	Agency/Dept. Head Name:	Norberto Colon
Type of Request:	Agreement/Amendment		
Request Prepared by:	Paula Young 216.443.5924 (Lawrence Tafe 216.698.2881)	Telephone No.	216.698.2701

SUMMARY OF REQUESTED ACTION:

Title: Public Safety & Justice Services 2012 City of Cleveland Agreement FY09 Urban Area Security Initiative (UASI) Grant Program

A. Scope of Work Summary 1. Public Safety and Justice Services requesting approval of an agreement with the City of Cleveland for the anticipated cost of \$2,620,777.24. The anticipated start-completion dates are August 1, 2009 – June 30, 2012. 2. The primary goals of the project are:

Provide funding for First Responders to prepare for, prevent, respond to and recover from natural and man-made disasters. Provide funding for homeland security related equipment, training, exercises, and planning activities.

The Cleveland projects were approved by the Public Safety Urban Area Working Group, and all equipment will be approved by the Ohio Emergency Management Agency. 3. The funding for FY09 UASI is passed through to Cuyahoga County from the Ohio Emergency Management Agency (OEMA) and the Department of Homeland Security (DHS). **B. Procurement** 1. The County will not procure any goods or services by entering into this agreement.

2. The performance period of this agreement is August 1, 2009 through June 30, 2012. 3. The City of Cleveland follows their procurement policy, which must at least conform to the procurement policy established by Cuyahoga County.

C. Contractor and Project Information 1. City of Cleveland

601 Lakeside Avenue
Cleveland, Ohio 44114
Council District 2, 3, 7 & 8

2. The Mayor of City of Cleveland is Frank Jackson

3. a Projects funded by the City of Cleveland with UASI grant funds positively impact most if not all of the county municipalities.

3. N/A **D. Project Status and Planning** 1. The UASI Grant Program is awarded on a yearly basis provided DHS receives funding from Congress. 2. This is an ongoing project that will be completed by June 30, 2012. 3 This request is not on a critical path. 4. The project's term has already begun. The delay in request is due to Program Officer oversight prior to Cleveland's request for reimbursement.

5. N/A **E. Funding** 1. The project is funded 100% by the DHS through OEMA. 2. The grant is a reimbursement grant so expenses are submitted for reimbursement as they occur. The City of Cleveland has until June 30, 2012 to request reimbursement for expenses incurred against this FY09 UASI agreement. 3. N/A

PURPOSE/OUTCOMES - PRINCIPAL OWNER(S):

City of Cleveland - Frank Jackson, Mayor

UASI grant history with the City of Cleveland:

FY2004 - \$5,199,374.00

FY2005 - \$3,742,549.00

FY2006 - \$2,300,000.00

FY2007 - \$3,006,270.69

FY2008 - \$2,024,834.00

There is no cash match for this agreement

Explanation for late submittal:

Late submittal due to Program Officer oversight

Contract/Agreement Information:

Procurement Method:

Other

Explanation for Increase/Decrease in \$ Amount for current request:

Financial Information:

Funding source:

Federal

Explanation:

Department of Homeland Security through Ohio Emergency Management Agency

Total Amount Requested:

\$2,620,777.24

ATTACHMENTS:

Click to download

- [Warning Memo](#)
- [Cleveland Agreement part 1 of 3 TAB](#)
- [Attachment 1 FY09 UASI Guidance part 2 of 3](#)
- [Exhibit A Standard Monthly Form Part 3 of 3](#)
- [City of Cleveland Award Notice](#)

CONTRACT/AGREEMENT EVALUATION FORM
(To be completed in its entirety by user department for
all contract/agreement renewals or amendments.)

Contractor: City of Cleveland

Contract/Agreement No.: AG1000274-01

Time Period: 9.1.08-12.31.11

**Service Description: Acquisition of equipment, facilitation of training and exercises,
preparation of planning activities.**

Original Contract/Agreement Amount: \$1,600,000.00

Prior Amendment(s) Amount(s): 424,834.00

**Performance Indicators: Submission of required documentation for reimbursement;
submission of quarterly reports; adherence to federal and state grant guidance.**

**Actual performance versus performance indicators (include statistics): The City of
Cleveland follows federal and state guidelines and requests State of Ohio
interpretation when challenged. City submits quarterly reports on time and
reimbursement documentation as requested.**

Rating of Overall Performance of Contractor (Check One):

- Superior
- Above Average
- Average
- Below Average
- Poor

**Justification of Rating: Cleveland submitted reimbursement requests for FY08 UASI
grant regularly. The City was responsive to requests for additional details.**

Public Safety & Justice Services

User Department

3.2.2012
Date

s: evaluation.

County Council of Cuyahoga County, Ohio

Resolution No. R2012-0080

Sponsored by: County Executive FitzGerald/Department of Public Works/Divison of County Engineer	A Resolution approving a Sanitary Sewer Line Vacation and Granting of Easement agreement with Wal-Mart Real Estate Business Trust, a Delaware statutory trust, in connection with property located in the City of Brooklyn; and authorizing the County Executive to execute all documents required in connection with said agreement.
--	--

WHEREAS, the County Executive FitzGerald/Department of Public Works/ Division of County Engineer has requested approval of the County's vacationing of the existing Sanitary Sewer Line Easement to Wal-Mart Real Estate Business Trust, a Delaware Statutory Trust, and to grant a replacement easement from Wal-Mart to the County in connection with property located in the City of Brooklyn; and

WHEREAS, Wal-Mart owns property in Brooklyn, Ohio that has been improved with a commercial retail facility, which it intends to expand; and

WHEREAS, there is currently an existing sanitary sewer line easement on the property, and in order for Wal-Mart to expand its retail facility, the existing sanitary sewer line had to be relocated; and

WHEREAS, at its own expense, Wal-Mart constructed a new sanitary sewer line on a different portion of its property to take the place of the existing sanitary sewer line; and the new sanitary sewer line is currently functioning; and

WHEREAS, both Cuyahoga County and the North East Ohio Regional Sewer District ("NEORS") oversaw the construction of the new sanitary sewer line; and

WHEREAS, in addition to relocating the existing sewer line for the expansion of its commercial facility, the existing sanitary sewer line easement must also be vacated; and

WHEREAS, Wal-Mart desires to grant to the County an easement for the purpose of maintaining the new sanitary sewer line and, in return, have the County vacate the easement on the original (existing) sanitary sewer line; and

WHEREAS, upon completion of this transaction, Cuyahoga County will donate the new sewer line and easement to the NEORS; and

WHEREAS, the NEORS has approved the vacationing of the existing easement and the granting of the new easement; and

WHEREAS, there is no cost associated with approving the vacation of the sanitary sewer easement or in accepting the replacement sanitary sewer easement; and

WHEREAS, the contractor, project information and location are as follows:

Contractor

Linda H. Schaffer, Esq.,
Wal-Mart Real Estate Business Trust,
One East 4th Street, Suite 1400
Cincinnati, Ohio 45202

Project Address

10000 Brookpark Road
Brooklyn, Ohio 44130
Council District 6.

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

SECTION 1. That the County Council hereby approves the County's vacationing of the existing Sanitary Sewer Line Easement to Wal-Mart Real Estate Business Trust, a Delaware statutory trust, located in the City of Brooklyn.

SECTION 2. That the County Council hereby accepts the grant of a replacement easement from Wal-Mart Real Estate Business Trust to Cuyahoga County in connection with property located in the City of Brooklyn.

SECTION 3. There is no cost associated with approving the vacationing of the sanitary sewer line easement or in accepting the replacement sanitary sewer line easement.

SECTION 4. That the County Executive is hereby authorized to enter into and execute the Sanitary Sewer Line Vacation and Granting of Easement agreement and all other documents required in connection with the project.

SECTION 5. 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 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 _____, seconded by _____, the foregoing Resolution was duly adopted.

Yeas:

Nays:

County Council President

Date

County Executive

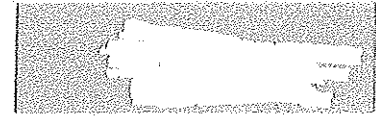
Date

Clerk of Council

Date

First Reading/Referred to Committee:
Committee(s) Assigned:

Journal _____
_____, 2012



Item Details:

Agency/Dept. Name:	County Engineer/Sanitary Engineering Division	Agency/Dept. Head Name:	William Schnelder
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Type of Request: Other

Request Prepared by:	Fred Whatley	Telephone No.	348-3840
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SUMMARY OF REQUESTED ACTION:

A. Scope of Work Summary

1. Wet and Notarized signature required. Department of Public Works requesting approval of the County's vacation of an existing sanitary sewer line easement to Wal-Mart Real Estate Business Trust ("Wal-Mart"), a Delaware statutory trust, and the grant of a replacement easement from Wal-Mart to the County - there is no cost associated with approving the vacation of sanitary sewer easement or in accepting the replacement sanitary sewer easement.

Wal-Mart owns property in Brooklyn, Ohio. The property is improved with a commercial retail facility, which Wal-Mart intends to expand. There is an existing sanitary sewer easement on the property. In order to expand the retail facility, the existing sanitary sewer line had to be relocated. At its own expense, Wal-Mart constructed a sanitary sewer line on a different portion of its property to take the place of the existing sewer line and said sewer line is currently functioning. Both Cuyahoga County and the North East Ohio Regional Sewer District ("NEORS") oversaw the construction of the new sanitary sewer line. As the replacement sewer line is functioning, Wal-Mart is desirous of granting to the County an easement for the purpose of maintaining the new sanitary sewer line and, in return, have the County vacate the easement on the original sanitary sewer line to Wal-Mart.

After the completion of this transaction, the County will be donating the new sewer line and easement to the NEORS. The NEORS has approved the vacation of the existing easement and the granting of the new easement.

2. The primary goal of the County's vacation of the existing sanitary sewer line easement and Wal-Mart's grant of a new sanitary sewer line easement to the County is to allow Wal-Mart to expand its commercial retail facility on the property it owns in Brooklyn, Ohio.

3. N/A

B. Procurement

- 1. N/A
- 2. N/A
- 3. N/A

C. Contractor and Project Information

- 1. The address of other party to contract is:
Wal-Mart Real Estate Business Trust, a Delaware statutory trust
c/o Linda H. Schaffer, Esq.
One East 4th Street
Suite 1400
Cincinnati, Ohio 45202.
- 2. The owner is the same.
- 3a. The address of the project is:
10000 Brookpark Road
Brooklyn, Ohio 44130
- b. The project is located in Council District 6

E. Funding

- 1. As noted above, there is no cost associated with this specific request.
- 2. N/A
- 3. N/A

PURPOSE/OUTCOMES - PRINCIPAL OWNER(S):

Department of Public Works, requesting the approval of the County's vacation of an existing sanitary sewer line easement to Wal-Mart and the grant of a replacement easement from Wal-Mart to the County in order to facilitate the expansion of Wal-Mart's commercial retail facility on its property in Brooklyn, Ohio.

Explanation for late submittal:

Contract/Agreement Information:

Procurement Method:

Explanation for Increase/Decrease in \$ Amount for current request:

Financial Information:

Funding source: **Explanation:**
No funding required

Total Amount Requested:

\$

ATTACHMENTS:

[Click to download](#)

- [vacation and grant of easement with exhibits](#)

County Council of Cuyahoga County, Ohio

Resolution No. R2012-0069

Sponsored by: County Executive FitzGerald/Fiscal Officer/Office of Budget & Management	A Resolution amending the 2012/2013 Biennial Operating Budget for 2012 by providing for an additional fiscal appropriation from the General Fund in order to meet the budgetary needs of a County department; and declaring the necessity that this Resolution become immediately effective.
---	---

WHEREAS, on December 13, 2011, the Cuyahoga County Council adopted the 2012/2013 Biennial Operating Budget and Capital Improvements Program (Resolution No. R2011-0291) establishing the 2012/2013 biennial budgets for all County departments, offices and agencies; and

WHEREAS, it is necessary to adjust the 2012/2013 Biennial Operating Budget for 2012 to reflect budgetary funding increases, funding reductions, to transfer budget appropriations, and to transfer cash between budgetary funds, in order to accommodate the operational needs of certain County departments, offices, and agencies; and

WHEREAS, it is further necessary that this Resolution become immediately effective in order that critical services provided by Cuyahoga County can continue and to provide for the usual, daily operation of County departments, offices, and agencies;

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

SECTION 1. That the 2012/2013 Biennial Operating Budget for 2012 be amended to provide for the following additional appropriation increases and decreases:

<u>Fund Nos./Budget Accounts</u>		<u>Journal Nos.</u>
A.	01A001 – General Fund	BA1200187
	CT577106 – Risk & Property Management	
	Other Expenses \$ 800,000.00 267,750.00	

Funding Source: General Fund.

SECTION 2. This Resolution is hereby determined to be an emergency measure and that it is necessary that this Resolution become immediately effective in order that critical services provided by Cuyahoga County can continue, and to continue the usual and daily operation of County departments, offices and agencies. Provided that this

Resolution receives the affirmative vote of eight members of Council, this Resolution shall become immediately effective upon the signature of 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.

On a motion by _____, seconded by _____, the foregoing Resolution was duly adopted.

Yeas:

Nays:

County Council President Date

County Executive Date

Clerk of Council Date

First Reading/Referred to Committee: April 10, 2012

Committee(s) Assigned: Finance & Budgeting

Amended on the Floor: May 8, 2012

Journal CC006

May 8, 2012

Jeanne Schmotzer - Amend R2012-0069 - Additional Approp.

From: Matthew Rubino
To: McAleer, Trevor
Date: 5/4/2012 10:29 AM
Subject: Amend R2012-0069 - Additional Approp.
CC: Schmotzer, Jeanne; Sheehan, William
Attachments: Building Conolidation CBRE Proposal_v1.pdf

The resolution requesting \$800k for real estate consulting services in connection with the County building study can be amended to \$267,750. The proposal from the selected firm (CBRE) is attached. The proposed fee for the services rendered will not exceed the specified amount. See document page 45.

matt r.

Matt Rubino, Director

Office of Budget & Management

County Fiscal Office

Cuyahoga County, Ohio

Tel 216 443-7448

Cell 216 374-7364

Fax 216 443-7256

Email mrubino@cuyahogacounty.us

Web <http://obm.cuyahogacounty.us/>



Cuyahoga
COUNTY OF OHIO

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Clarifications



Cuyahoga
COUNTY OF OHIO

CBRE

April 9, 2012

Bonita Teeuwen, Director
Nichole English
Department of Public Works
2100 Superior Viaduct
Cleveland, Ohio 44113

Ryan C. Jeffers
First Vice President
1422 Euclid Avenue, Ste. 230
Cleveland, OH 44115
P 216.658.6124
ryan.jeffers@cbre.com

Re: Clarifications to Questions Regarding the Response to RFP No. 22673 for Program Management for the Real Estate Portfolio Consolidation

Dear Bonita and Nichole,

Thank you for your call last Thursday April 5th and for the opportunity to clarify a handful of items related to our proposal for the above-mentioned RFP. The County's project is quite important to our team and community, and we appreciate the committee's diligence in making a decision.

- **SBE Registration**

Please find attached to this letter a copy of the Certificate confirming that the registration of Ariel Ventures, LLC with Cuyahoga County as a Small Business Enterprise is in good standing. This Certificate, along with the previously provided forms in Section VIII of the Proposal, confirms that CBRE's Proposal is in complete compliance with the SBE requirements of the RFP.

- **Fee Proposal – Total Hours**

The maximum amount of consulting contemplated by CBRE's proposal is 1,095 hours, of which 885 hours would be completed by CBRE, and 210 hours would be completed by Ariel Ventures. The maximum fee contemplated by the proposal for the Property Acquisition portion of the project would therefore be \$267,750.

TITLE/ROLE	PRICE/HR	HRS	FEE
CBRE FVP	\$350	280	\$98,000
CBRE SVP	\$350	185	\$64,750
CBRE Senior Associate	\$250	140	\$35,000
CBRE Client Services	\$100	280	\$28,000
Ariel Ventures	\$200	210	\$42,000
Totals:		1,095	\$267,750

County Council of Cuyahoga County, Ohio

Resolution No. R2012-0074

Sponsored by: County Executive FitzGerald/Department of Public Works/Division of County Engineer	A Resolution declaring that public convenience and welfare requires resurfacing of Denison Avenue from Fulton Road to Pearl Road in the City of Cleveland; total estimated construction cost \$850,000.00; finding that special assessments will neither be levied nor collected to pay for any part of the County's costs of said improvement; and authorizing the County Executive to enter into an agreement of cooperation with said municipality in connection with said project.
---	---

WHEREAS, the County Executive FitzGerald/Department of Public Works/Division of County Engineer has declared that public convenience and welfare requires resurfacing of Denison Avenue from Fulton Road to Pearl Road in the City of Cleveland; and

WHEREAS, the anticipated construction cost for the resurfacing is \$850,000.00; and

WHEREAS, that special assessments are not to be levied nor collected to pay for any part of the County's costs of this improvement; and

WHEREAS, this projects will be funded 100% with the County's Road and Bridge Fund; and

WHEREAS, the primary goal of this project is to properly maintain the County's infrastructure for which the County is responsible; and

WHEREAS, the location of the project is Denison Avenue from Fulton Road to Pearl Road in the City of Cleveland, Council District 3; and

WHEREAS, the anticipated start date for construction of this project is 2013.

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

SECTION 1. That the County Council hereby declares that public convenience and welfare requires resurfacing of Denison Avenue from Fulton Road to Pearl Road in the City of Cleveland.

SECTION 2. That special assessments are not to be levied nor collected to pay any part of the County's cost of this improvement.

SECTION 3. That the County Executive is hereby authorized to enter into and execute the necessary agreement of cooperation with the above named city where the road is located.

SECTION 4. 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 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 _____, seconded by _____, the foregoing Resolution was duly adopted.

Yeas:

Nays:

County Council President

Date

County Executive

Date

Clerk of Council

Date

First Reading/Referred to Committee: April 24, 2012

Committee(s) Assigned: Public Works, Procurement & Contracting

Journal CC006

May 8, 2012

County Council of Cuyahoga County, Ohio

Resolution No. R2012-0075

Sponsored by: County Executive FitzGerald/Department of Public Works/Division of County Engineer	A Resolution declaring that public convenience and welfare requires resurfacing of Riverview Road from Brookside Road to Fitzwater Road in the Cities of Brecksville and Independence; total estimated construction cost \$600,000.00; finding that special assessments will neither be levied nor collected to pay for any part of the County's costs of said improvement; and authorizing the County Executive to enter into agreements of cooperation with said municipalities in connection with said project.
---	---

WHEREAS, the County Executive FitzGerald/Department of Public Works/Division of County Engineer has declared that public convenience and welfare requires the resurfacing of Riverview Road from Brookside Road to Fitzwater Road in the Cities of Brecksville and Independence; and

WHEREAS, the anticipated construction cost for the resurfacing is \$600,000.00; and

WHEREAS, that special assessments are not to be levied nor collected to pay for any part of the County's costs of this improvement; and

WHEREAS, this projects will be funded 100% with the County's Road and Bridge Fund; and

WHEREAS, the primary goal of this project is to properly maintain the County's infrastructure for which the County is responsible; and

WHEREAS, the location of the project is Riverview Road from Brookside Road to Fitzwater Road in the Cities of Brecksville and Independence, Council District 6; and

WHEREAS, the anticipated start date for construction of this project is 2013.

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

SECTION 1. That the County Council hereby declares that public convenience and welfare requires resurfacing of Riverview Road from Brookside Road to Fitzwater Road in the Cities of Brecksville and Independence.

SECTION 2. That special assessments are not to be levied nor collected to pay any part of the County's cost of this improvement.

SECTION 3. That the County Executive is hereby authorized to enter into and execute the necessary agreements of cooperation with the above named cities where the roads are located.

SECTION 4. 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 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 _____, seconded by _____, the foregoing Resolution was duly adopted.

Yeas:

Nays:

County Council President

Date

County Executive

Date

Clerk of Council

Date

First Reading/Referred to Committee: April 24, 2012
Committee(s) Assigned: Public Works, Procurement & Contracting

Journal CC006
May 8, 2012

County Council of Cuyahoga County, Ohio

Ordinance No. O2012-0011

Sponsored by: County Executive FitzGerald/Department of Development	An Ordinance establishing an Economic Development Fund for the purpose of collecting and expending proceeds from gross casino revenues, and declaring the necessity that this Ordinance become immediately effective.
--	--

WHEREAS, Section 7.01 of the Charter, County Economic Development, 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 of the County; and

WHEREAS, Section 7.01 of the Charter of Cuyahoga provides:

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. In furtherance of that purpose, the County shall, as authorized by the Constitution of Ohio, general law, and this Charter and enactments pursuant thereto, develop and implement policies, programs and activities for the expansion and enhancement of economic activity in the County so as to create and preserve jobs and employment opportunities for and available to residents of the County; and

WHEREAS, the County Executive and County Council seek to promote and enhance the economic well-being and prosperity of the County and all of its residents; and

WHEREAS, Section 7.02 of the Charter of Cuyahoga provides:

There shall be a Department of Development, under the direction of the Director of Development, which shall develop, direct and implement programs and activities for carrying out the purposes of this Article VII. The Department of Development shall coordinate the programs and activities of the officers, departments, agencies, boards and commissions of the County that relate to economic development, including identification ...of the causes of unemployment and economic underdevelopment among segments of the population and within communities in the County and the development of programs and activities to remedy such conditions; and

WHEREAS, the State of Ohio Constitution was amended on November 3, 2009 to adopt Section 6, Article XV of the Constitution of the State of Ohio to allow for the operation of four casinos in the state by initiative petition; and

WHEREAS, the Constitution of the State of Ohio levies a fixed tax on gross casino revenue and distributes that tax revenue according to a formula to the benefit of Ohio's counties, cities, school districts, and other funds and commissions; and

WHEREAS, the County Commissioners Association of Ohio estimates that Cuyahoga County will receive \$8.5 million to \$11.5 million in proceeds from gross casino revenue; and

WHEREAS, the County Council adopted the Five Year Economic Development Plan, which emphasizes place-based economic development, urban revitalization and the importance of connecting Cuyahoga County's economic development assets and attractions for the benefit of the region; and

WHEREAS, advocates for the constitutional amendment emphasized downtown revitalization, spurring private investment, job creation and economic impact as arguments for casino operation in the state; and

WHEREAS, downtown Cleveland is the region's most densely populated jobs center and the site of more than \$5 billion in economic development projects already underway; and

WHEREAS, the Cuyahoga County Council and County Executive are committed to the economic vibrancy of the region, and seek to allocate proceeds from gross casino revenue to maximize the impact of economic development projects already underway; and

WHEREAS, the Cuyahoga County Council and County Executive established a \$100 million economic development fund for investments without geographical limitations throughout the entire county and the majority of approved investments have been located outside Cleveland's downtown; and

WHEREAS, the county's economic development programs leverage private dollars, attract investment and expand the tax base by incentivizing preferred development, improving public infrastructure and creating an environment for job creation and job growth for residents countywide; and

WHEREAS, the Cuyahoga County Council and County Executive are committed to the economic vibrancy of the region and seek to allocate proceeds from gross casino revenue to maximize the impact of core city economic development projects already underway; and

WHEREAS, it is necessary that this Ordinance become immediately effective due to legislative efforts underway in Ohio's State Legislature to direct counties on the manner and means by which counties may expend proceeds from gross casino revenue.

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

SECTION 1. The Fiscal Officer is hereby directed to immediately establish a separate fund for the purpose of collecting and expending proceeds from the gross casino revenues in Cuyahoga County (the "Fund"). All such proceeds and revenues shall be automatically directed and deposited into the Fund and shall only be used for the purposes authorized in Section 2 herein.

SECTION 2. The revenues contained in the Fund are hereby dedicated to be used by the Department of Development for an economic development program whose purpose shall be to promote economic development in Cleveland's Downtown District, generally defined as the area bordered by Lake Erie, the Innerbelt Bridge, East 25th Street and West 25th Street.

SECTION 3. It is necessary that this Ordinance become immediately effective due to legislative efforts underway in Ohio's State Legislature to direct counties on the manner and means by which counties may expend proceeds from gross casino revenue; therefore, this Ordinance, provided it receives the affirmative vote of eight members of Council, shall become effective immediately upon the signature of the County Executive.

SECTION 4. 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 _____, seconded by _____, the foregoing Ordinance was duly enacted.

Yeas:

Nays:

County Council President

Date

County Executive

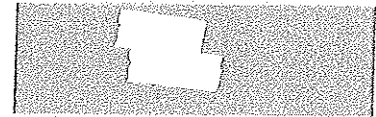
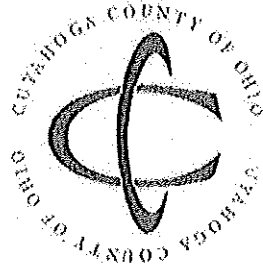
Date

Clerk of Council

Date

First Reading/Referred to Committee:
Committee(s) Assigned:

Journal _____
_____, 2012



Item Details:

Agency/Dept. Name: Department of Agency/Dept. Head Name: Larry Benders
Development

Type of Request:

Request Prepared by: Sharon Georgakopoulos **Telephone No.**

SUMMARY OF REQUESTED ACTION:

An Ordinance establishing an economic development fund for the purpose of collecting and expending proceeds from gross casino revenues; and declaring the necessity that this Ordinance become Immediately effective.

PURPOSE/OUTCOMES - PRINCIPAL OWNER(S):

The County Commissioners Association of Ohio estimates that Cuyahoga County will receive \$8.5 million to \$11.5 million in proceeds from gross casino revenue the County Council adopted the Five Year Economic Development Plan, which emphasizes place-based economic development, urban revitalization and the importance of connecting Cuyahoga County's economic development assets and attractions for the benefit of the region. Advocates for the constitutional amendment emphasized downtown revitalization, spurring private investment, job creation and economic impact as arguments for casino operation in the state. Downtown Cleveland is the region's most densely populated jobs center and the site of more than \$5 Billion in economic development projects already underway.

The Cuyahoga County Council and County Executive established a \$100 million dollar economic development fund for investments without geographical limitations throughout the entire county and the majority of approved investments have been located outside Cleveland's downtown. The county's economic development programs leverage private dollars, attract investment and expand the tax base by incentivizing preferred development, improving public infrastructure and creating an environment for job creation and job growth for residents county wide. The Cuyahoga County Council and County Executive are committed to the economic vibrancy of the region, and seek to allocate proceeds from gross casino revenue to maximize the impact of core city economic development projects already underway.

It is necessary that this Ordinance become immediately effective due to legislative efforts underway in Ohio's State Legislature to direct counties on the manner and means by which counties may expend proceeds from gross casino revenue.

Explanation for late submittal:

Contract/Agreement Information:

Procurement Method:

Explanation for Increase/Decrease in \$ Amount for current request:

Financial Information:

Funding source: Explanation:

Total Amount Requested:

\$

ATTACHMENTS:

Click to download

[draft ordinance](#)

History

Time

Who

Clerk of the Board

Approval

County Council of Cuyahoga County, Ohio

Ordinance No. O2012-0012

Sponsored by: County Executive FitzGerald	An Ordinance establishing the Department of Information Technology under the direction of a Chief Information Officer who shall serve at the pleasure of the County Executive, and declaring the necessity that this Ordinance become immediately effective.
--	---

WHEREAS, Charter Section 3.09, subsection 2, gives Cuyahoga County Council the authority “[t]o 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 this Charter, as the Council determines to be necessary for the efficient administration of the County;” and,

WHEREAS, formally establishing a Department of Information Technology will enable the County to operate more efficiently and effectively, by coordinating and consolidating information technology operations under the direction of a Chief Information Officer; and,

WHEREAS, the Council has determined that the creation of a Department of Information Technology is necessary for the efficient administration of the County; and,

WHEREAS, this Council determines that 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 a County Department.

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

SECTION 1. The Department of Information Technology is hereby officially established, and, for the specific purposes stated in Section 9.04 of the Cuyahoga County Charter, shall be its own appointing authority.

SECTION 2. The powers and duties of the former Automatic Data Processing Board and Data Information Center shall be transferred to the Department of Information Technology. All property, records, and equipment of the Automatic Data Processing Board and Data Information Services Center shall be transferred to the Department of Information Technology.

SECTION 3. Unless otherwise specified herein or by a future County ordinance, the Department of Information Technology shall coordinate the use of all automatic or electronic data processing or record-keeping equipment, software, computer hardware, information technology and/or information technology services in use by the various Cuyahoga County government offices, departments, agencies, boards and commissions that are under the jurisdiction of the Charter. All contracts for automatic or electronic data processing or record-keeping equipment, software, computer hardware, information technology and/or information technology services shall be presented to the Department of Information Technology for review and approval prior to presentation to the appropriate authority, as determined by ordinance of Council, for final approval of contracts.

SECTION 4. Notwithstanding Section 3 above, nothing in this Ordinance is intended to be construed to place the Regional Enterprise Data Sharing System (“REDSS”) or the REDSS Advisory Board under the purview of the Department of Information Technology.

SECTION 5. The specific goals, duties, and other related activities of the Department of Information Technology shall be determined by a director known as the “Chief Information Officer” who shall serve at the pleasure of the County Executive and who, with the approval of the County Executive pursuant to Charter Section 2.03(1), shall employ and supervise such number of deputies, assistants, and employees as shall be reasonably necessary to carrying out the duties of the Department of Information Technology and such other persons as are specifically designated by the Charter or by ordinance to exercise the functions of the Department of Information Technology as specified herein.

SECTION 6. The Department of Information Technology shall be comprised of the staff of the Chief Information Officer and the following divisions: Human Services Applications, Justice Services Applications, Enterprise Services Applications, and Infrastructure Operations. Nothing in this Ordinance is intended to limit the ability of the County Executive and the Chief Information Officer to abolish positions for the purpose of enhancing the efficiency of operations or for any other reason permitted by general law.

SECTION 7. Under the direction of the Chief Information Officer, there shall be a Technical Advisory Committee, whose membership shall consist of the major service areas of the County of Cuyahoga as determined by the Chief Information Officer, and who shall provide input into the determination of information technology standards and procurement.

SECTION 8. It is necessary that this Ordinance become immediately effective in order that critical services being provided by Cuyahoga County can continue without interruption, and to continue the usual daily operation of the County. Provided that this Ordinance receives the affirmative vote of eight members of Council, this Ordinance shall become immediately effective upon the signature of the County Executive.

SECTION 9. 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.

On a motion by _____, seconded by _____, the foregoing Ordinance was duly enacted.

Yeas:

Nays:

County Council President

Date

County Executive

Date


Clerk of Council

Date

First Reading/Referred to Committee:
Committee(s) Assigned:

Journal _____
_____, 2012

MEMORANDUM

To: Honorable C. Ellen Connally, Council President
From: Jeffrey Mowry, Chief Information Officer 
Re: Ordinance Creating the Department of Information Technology
Date: May 4, 2012

Attached is a proposed ordinance creating a Department of Information Technology ("IT"). The ordinance was drafted with the assistance of the Law Department at my request.

During the formation of the new government, the Transition Advisory Group strongly recommended IT consolidation across IT agencies under the authority of the County Executive. This recommendation was based on the many IT inefficiencies identified with the current decentralized IT structure. The proposed legislation is intended to formalize the centralization of IT organizations and to consolidate the functions of the former Automated Data Processing Board under the direction of the Chief Information Officer and the County Executive. Our intent is that the ordinance will lead to the centralization of IT personnel in agencies under the direct authority of the County Executive.

The ordinance provides that the Department of Information Technology shall coordinate the use of all automatic or electronic data processing or record-keeping equipment, software, computer hardware, information technology and/or information technology services in use by the various Cuyahoga County government offices, departments, agencies, boards and commissions that are under the jurisdiction of the Charter. Furthermore, all contracts for automatic or electronic data processing or record-keeping equipment, software, computer hardware, information technology and/or information technology services must be presented to the Department of Information Technology for review and approval prior to presentation to the appropriate authority, as determined by ordinance of Council, for final approval of contracts.

The specified exception to the consolidated IT organization in the proposed ordinance is the Regional Enterprise Data Sharing System ("REDSS"), which remains under the purview of the Department of Public Safety and Justice Services and is responsible for the Criminal Justice Information System that is used by the County's criminal justice agencies.

In summary, the ordinance is intended to do the following:

- 1) To consolidate all IT Services under the County Executive into one IT organizational structure.

- 2) To formally rename the IT organization from the Information Services Center to the Department of Information Technology.
- 3) To formally consolidate the functions of the former Automated Data Processing Board into the Department of Information Technology and to recognize the new Technical Advisory Committee.

cc: Edward FitzGerald, County Executive
Majeed G. Makhoul, Director of Law
Matt Carroll, Executive's Chief of Staff
Joseph Nanni, Council's Chief of Staff