

Minutes

Cuyahoga County Rules, Charter Review, Ethics and Council Operations Committee Meeting

DATE: January 18, 2011

SCHEDULED TIME: 1:00pm

CONVENED AT: 1:00pm

ROLL CALL: Present: Greenspan, Brady, Connally, Miller, Simon & Non-members Germana, Jones

ADJOURNED AT: 3:30pm

The meeting was called to order by Chairperson David Greenspan at 1:00pm.

Chairperson Greenspan opened discussion regarding the memorandum that he sent i.e. the 8 phase approach. He stated that he would like to discuss Phases 1 (Identify resource / reference materials) and 2 Identify "best practices" definitions and terms at today's meeting.

The State Ethics Commission has indicated that they are able to review our Ethics Ordinance prior to its adoption.

Chairman Greenspan read a statement.

There are 4 (four) documents to start with the creation of our definitions. The Ohio Ethics Law, section 3 code of ethics, ethics workgroup code of ethics, ordinance to establish (Greenspan Document)

Dale Miller stated that we should add the Ohio Administrative Code sections OAC123:1 102-1 through 11.03.

The intent is to identify the definitions that we would like to adopt.

Chairman Greenspan read document definitions.

Sunny Simon read "Associated" definition. Council passed a 901 day adoption of the Ohio Ethics Law and felt that this may be an excellent starting point. Chairman Greenspan approved.

Chuck Germana asked what would be the protocol for participation of non-committee members.

Dale Miller stated that these answers are in the Rules of Council.

Chairman Greenspan "move" to Ohio Ethics Law Document:

"Compensation" – consensus on definition

"Public Official or Employee" – consensus on definition

"Public Agency" – consensus on definition

Sunny Simon stated that she would request a potential re-visitation of these definitions

Dale Miller stated that we could construct a definition that mirrors the county definition.

Chairman Greenspan we need to understand these areas and determine what we are working with.

Dale Miller stated that we are going to be drafting an ethics law that is applicable narrowly to the county government or all the political subdivisions that operate with in Cuyahoga County.

"Immediate Family"

Chairman Greenspan referred to "The Greenspan Document" which provides more information of the definition.

Sunny Simon read the definition.

Chairman Greenspan would like "The Greenspan Document" but would like to add domestic partner.

Dan Brady was unsure of the impact of this proposal and suggested a more broad issue re: its impact overall on the county.

Sunny Simon stated that it is difficult to address the definitions without the context of its implications. Chairman Greenspan stated that there may be a crossroads where these relationships may stretch too far and that this ordinance has already been vetted. The intent is to address these issues with County Executive Fitzgerald and address the policies that he will be ultimately responsible for administering.

Sunny Simon opened a discussion regarding the possibility of the County Executive passing his own policy.

Ed Morales added that this could only be more restrictive, not less restrictive.

Dale Miller believes that domestic partner should be included and we should review the broad definitions in "The Greenspan Document".

Chuck Germana added that there should be 2 (two) definitions (immediate and extended).

Chairman Greenspan stated current Ohio ethics for immediate family but remove "residing in household", and adding domestic partner, child and step child.

"Full Family"

Suggested that we leave out anything included in immediate family. There are 3 (three) sections defined in the "The Greenspan" document including domestic partner.

Dan Brady suggested that all language should be reviewed by our law department, and adding domestic partner would add the concept to other areas of county policy. He suggested being cautious from straying from state law.

Chairman Greenspan stated that the final document will be fully vetted by the law department and the Ohio Ethics Commission prior to a council vote.

Dale Miller agrees with Sunny Simon in that a son and daughter are a close family regardless if they are dependent.

Pernel Jones inquired as to how the definition would be used countywide.

Chuck Germana that it should be public servants immediate family and extended.

Dale Miller stated that he would recommend that under family.

"Income"

Read the ethics commission definition.

Dale Miller asked is this includes foreign sources

Ed Morales stated that we will look into this as weather it is included

Consensus on definition.

"Appropriate Ethics Commission"

It is recommended that it be removed from the county document as it is not applicable.

Dale Miller stated that he would be concerned if the council adds an ethics board.

Consensus on definition.

"Anything of Value"

Chuck Germana referred to "The Greenspan Document" page 7 of 24 section (14) and referred to the "personal benefit" definition.

Chairman Greenspan read the transition definition located on page 13 and stated that we are actually looking at 3 definitions.

Dan Brady is seeking clarity on the difference between state and federal laws and what our intent is.

Chairman Greenspan stated that our intent is to further define.

Dale Miller asked what the minimum value is.

Ed Morales will review and provide a definition from ORC 1.03

Pernel Jones agrees in leaning more toward the state definition.

A consensus will be held until we hear back from Ed Morales.

A conversation with Ed Morales re: political activity; that we will discuss this next week but council may not have the ability to overturn.

“Honorarium”

Dan Brady stated that 15 (fifteen) years ago there was a scandal at the state level on this exact topic, and he expects that this has been more clearly defined and strengthened to this date.

Chairman Greenspan stated the question, do we add “or any other person on his or her behalf”

Any payment made in consideration for any.....to a public official or employee or to any other person, persons or entities on his or her behalf.

Consensus on definition

Dale Miller stated that in the Ohio Legislature honorariums were prohibited.

Chairman Greenspan stated that whether you take money or direct it to someone that it should be disclosed.

Linda Mayer explained the intent of the transition workgroup in defining honorarium.

“Employer”

Consensus on definition.

“Executive Agency Decision” Lobbyist, Lobbying

Ed Morales will provide the definition.

“Legislation”

Ed Morales will provide the definition

“Expenditure”

Ed Morales will provide the definition

The next meeting will held Thursday January 20, 2011 at 1:00 p.m.

Sunshine Law Training: George Phillips will research possibly scheduling a session for Council.

Open Meetings Policy: A question was raised as to if Council is required to establish a policy.

Ed Morales will look into a “best practice”.

Dale Miller will look into the Council Rules.

Motion to adjourn; Moved by Council President Connally and seconded by Dan Brady.

Adjourned at 3:30pm