



## MINUTES

CUYAHOGA COUNTY RULES, CHARTER REVIEW, ETHICS & COUNCIL OPERATIONS  
COMMITTEE MEETING  
TUESDAY, JUNE 7, 2011  
CUYAHOGA COUNTY JUSTICE CENTER  
COUNCIL CHAMBERS – 1<sup>ST</sup> FLOOR  
1:00 PM

1. Call to order

**The meeting was called to order by Chairman Greenspan at 1:06 p.m.**

2. Roll call

**The Clerk called the roll. Committee members Greenspan, Connally, Brady, Miller and Simon were in attendance and a quorum was determined. Councilmember Jones was also in attendance.**

3. Approval of minutes from the May 31, 2011 meeting

**A motion was made by Ms. Connally, seconded by Mr. Brady and approved by unanimous vote to approve the minutes of the May 31, 2011 meeting.**

4. Chair Comments

**There were no comments from the Chair.**

5. Open Issues

- a) Discussion of O2011-0019: An Ordinance establishing the Agency of Inspector General and the responsibilities and duties of said Agency, and declaring the necessity that this Ordinance become immediately effective.

**Ms. Connally introduced several proposed written amendments to Ordinance No. O2011-0019.**

***Amendment to Section 1 – To add the definition of the term “County Contracts” as “All contracts to which the County is a party, excluding collective bargaining contracts and contracts with any other governmental entity.”***

**On a motion by Mr. Brady, with a second by Ms. Simon, the written amendment introduced by Ms. Connally was considered and unanimously approved.**

***Amendment to Section 2(b) – To eliminate the position of Deputy Inspector General***  
***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.***

On a motion by Mr. Brady, with a second by Ms. Simon, the written amendment introduced by Ms. Connally was considered and unanimously approved.

***Amendment to Section 2(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 of any County office, department, or agency over which the Executive has authority without interference or pressure from any other Public Official or Employee. In conducting his/her ongoing investigation of County operations pursuant to Section 2.05 of the County Charter, the Inspector General shall perform all of the following:***

On a motion by Mr. Brady, with a second by Ms. Simon, the written amendment introduced by Ms. Connally was considered.

On a motion by Ms. Connally, with a second by Mr. Brady, the written amendment introduced by Ms. Connally was tabled until the end of the meeting.

***Amendment to Section 2(c)(vi) –The Inspector General shall prepare and publish semiannual reports (the first of which will cover the period January 1<sup>st</sup> – June 30<sup>th</sup> and will be due in July and the second of which will cover the period July 1<sup>st</sup> – December 31<sup>st</sup> 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.***

On a motion by Ms. Connally, with a second by Ms. Simon, the written amendment introduced by Ms. Connally was considered and unanimously approved.

***Amendment to Section 2(e)(i) –Initial Budget. Through the remainder of the year 2011, the Inspector General’s budget shall be \$375,000.00.***

On a motion by Ms. Connally, with a second by Mr. Brady, the written amendment introduced by Ms. Connally was considered and unanimously approved.

***Amendment to Section 2(e)(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.*

On a motion by Ms. Connally, with a second by Mr. Brady, the written amendment introduced by Ms. Connally was considered and unanimously approved.

*Amendment to Section 2(e)(iii) – to delete and renumber (vi) as (iii)*

On a motion by Ms. Connally, with a second by Mr. Miller, the written amendment introduced by Ms. Connally was considered and unanimously approved.

*Amendment to Section 3(a) – Incumbent Inspector General. Without regard to the appointment requirements of Section 3(b) herein, and subject to the removal provisions of Section 3(d) herein, the incumbent Inspector General, Nailah Byrd, shall have the right to continue to serve as the County's first Inspector General without confirmation of Council until June 30, 2016.*

On a motion by Ms. Connally, with a second by Mr. Brady, the written amendment introduced by Ms. Connally was considered and unanimously approved.

*Amendment to Section 3(b) – Appointment of Inspector General. The Inspector General shall be appointed by the County Executive for a term of five years subject to confirmation by Council. In the case of a vacancy in the position of Inspector General, the Executive shall appoint a successor Inspector General, subject to the confirmation of Council, to the term of the Inspector General. The Executive may appoint, with the approval of the President of Council, an Interim Inspector General for a period not to exceed 90 days.*

On a motion by Ms. Connally, with a second by Ms. Simon, the written amendment introduced by Ms. Connally was considered and unanimously approved.

*Amendment to Section 3(c) – Term of Office of Inspector General. The term of the Inspector General shall be for five years.*

On a motion by Ms. Connally, with a second by Mr. Brady, the written amendment introduced by Ms. Connally was considered and unanimously approved.

*Amendment to Section 3(d) – Qualifications of Inspector General. In appointing and confirming the Inspector General, the Executive and the Council shall exercise good faith efforts to seek highly qualified candidates who have demonstrated the ability to work with local, state, and federal law enforcement agencies and who have audit-related skills and professional certifications in relevant fields. The selected Inspector General shall have the following minimum qualifications:*

On a motion by Ms. Connally, with a second by Mr. Miller, the written amendment introduced by Ms. Connally was considered and unanimously approved.

*Amendment to Section 3(d) – Removal. The Inspector General may only be removed from office for cause. Either the Executive or Council may initiate the process to remove the*

***Inspector General by resolution before Council. To effectuate such removal, the resolution must receive the affirmative vote of at least eight members of Council.***

On a motion by Ms. Connally, with a second by Ms. Simon, the written amendment introduced by Ms. Connally was considered and unanimously approved.

***Amendment to add Section 3(e) – Abolition of the Office. The Agency of the Inspector General shall only be abolished upon the affirmative vote of at least eight members of Council and executed by the Executive.***

***Former Section 3(e) will now be renumbered as Section 3(f).***

On a motion by Ms. Connally, with a second by Mr. Miller, the written amendment introduced by Ms. Connally was considered and unanimously approved.

***Substitute Amendment to Section 2(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:***

***Amendment to Section 2(c)(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.***

On a motion by Ms. Connally, with a second by Ms. Simon, the substitute amendment was substituted for the previous version of the amendment by unanimous vote.

On a motion by Mr. Miller, with a second by Mr. Brady, the substitute amendment was adopted by unanimous vote.

Mr. Miller introduced a proposed written amendment to Ordinance No. O2011-0019.

***Amendment to add to Section 2(d)iii –“All Inspector General inspections or investigations of a contractor shall specifically relate to a contract with the County.”***

On a motion by Mr. Miller, with a second by Ms. Connally, the written amendment introduced by Mr. Miller was considered and unanimously approved.

A motion was made by Mr. Greenspan, seconded by Ms. Connally and approved by unanimous vote to place Ordinance No. O2011-0019 on the June 14, 2011 Council meeting agenda for consideration of the full Council under second reading suspension of rules.

**Councilmembers Miller, Connally, Brady, Simon and Jones were added as additional sponsors to the Ordinance.**

6. New business

- a) Discussion of R2011-0188: A Resolution providing for the submission to the Electorate of an amendment to Article 3, Section 3 of the Charter of Cuyahoga County, and declaring the necessity that this Resolution become immediately effective.

**Mr. Miller introduced Resolution No. R2011-0188. The resolution will remain in Committee for further discussion.**

- b) Discussion of R2011-0189: A Resolution providing for the submission to the Electorate of an amendment to Article 3, Section 4, Subsection 2 of the Charter of Cuyahoga County, and declaring the necessity that this Resolution become immediately effective.

**Mr. Miller introduced Resolution No. R2011-0189. The resolution will remain in Committee for further discussion.**

- c) Discussion of O2011-0025: An Ordinance establishing additional criteria for the Council Districting Commission to use for the purpose of drawing district boundaries, and declaring the necessity that this Ordinance become immediately effective.

**A motion was made by Mr. Brady, seconded by Ms. Connally and approved by unanimous vote to place Ordinance No. O2011-0025 on the June 14, 2011 Council meeting agenda for consideration of the full Council under second reading suspension of rules.**

7. Public Comment

**There was no public comment**

8. Adjournment

**With no further business to discuss, the meeting was adjourned by Chairman Greenspan at 2:54 p.m., without objection.**