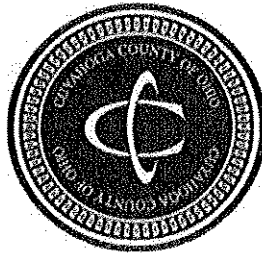


AGENDA
CUYAHOGA COUNTY RULES, CHARTER REVIEW, ETHICS & COUNCIL OPERATIONS
COMMITTEE MEETING
TUESDAY, JANUARY 10, 2012
CUYAHOGA COUNTY JUSTICE CENTER
COUNCIL CHAMBERS – 1ST FLOOR
1:00 PM

1. CALL TO ORDER
2. ROLL CALL
3. PUBLIC COMMENT RELATED TO THE AGENDA
4. APPROVAL OF MINUTES FROM THE NOVEMBER 29, 2011 MEETING
5. MATTERS REFERRED TO COMMITTEE
 - a) OLD BUSINESS
 - 1) M2011-0052: A Motion amending Rule 9D of the Rules of the Cuyahoga County Council; and declaring the necessity that this Motion become immediately effective.
 - 2) O2011-0031: An Ordinance providing for the adoption of a campaign finance policy for Cuyahoga County.
 - 3) O2011-0032: An Ordinance establishing guidelines under which Council is to consider and approve subsidies to boards, commissions, agencies, corporations, and other entities or authorities over which the County Council does not have direct, immediate oversight of daily, operational management decisions.
6. MISCELLANEOUS BUSINESS
7. OTHER PUBLIC COMMENT
8. ADJOURNMENT

*In accordance with Ordinance No. O2011-0020, complimentary parking for the public will be available **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 RULES, CHARTER REVIEW, ETHICS & COUNCIL OPERATIONS COMMITTEE MEETING

TUESDAY, NOVEMBER 29, 2011
CUYAHOGA COUNTY JUSTICE CENTER
COUNCIL CHAMBERS – 1ST FLOOR
2:00 PM

1. CALL TO ORDER

The meeting was called to order by Chairman Greenspan at 2:07 p.m.

2. ROLL CALL

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

3. PUBLIC COMMENT RELATED TO THE AGENDA

Mr. Greg Coleridge, representing the Northeast Ohio American Friends Service Committee, addressed the Committee regarding issues of concern to him concerning Ordinance No. O2011-0031, an ordinance providing for the adoption of a campaign finance policy for Cuyahoga County.

4. APPROVAL OF MINUTES FROM THE AUGUST 23, 2011 MEETING

A motion was made by Ms. Simon, seconded by Ms. Connally and approved by unanimous vote to approve the minutes of the August 23, 2011 meeting.

5. MATTERS REFERRED TO COMMITTEE

a) NEW BUSINESS

1. M2011-0048: A Motion establishing the 2012 schedule of County Council meetings.

Chairman Greenspan and Ms. Connally addressed the Committee regarding Motion No. M2011-0048. Discussion ensued.

A motion was made Ms. Connally, seconded by Ms. Simon and approved by unanimous vote to amend Section 1 of Motion No. M2011-0048 by replacing the words "3:00 P.M." with the words "5:00 P.M." wherever they appear.

On a motion by Mr. Miller with a second by Chairman Greenspan, Motion No. M2011-0048 was considered and approved by unanimous vote to be referred to the full Council agenda for consideration, as amended.

2. M2011-0052: A Motion amending Rule 9D of the Rules of the Cuyahoga County Council; and declaring the necessity that this Motion become immediately effective.

Chairman Greenspan addressed the Committee regarding Motion No. M2011-0052. Discussion ensued.

Ms. Jeanne Schmotzer, Clerk of Council, addressed the Committee regarding Motion No. M2011-0052. Discussion ensued.

Chairman Greenspan postponed Motion No. M2011-0052 from further consideration at this time.

b) OLD BUSINESS

1. O2011-0031: An Ordinance providing for the adoption of a campaign finance policy for Cuyahoga County.

Mr. Ed Morales, Assistant Law Director, addressed the Committee regarding Ordinance No. O2011-0031. Discussion ensued.

Committee members asked questions of Mr. Morales pertaining to the item, which he answered accordingly.

Chairman Greenspan postponed Ordinance No. O2011-0031 from further consideration at this time.

2. O2011-0032: An Ordinance establishing guidelines under which Council is to consider and approve subsidies to boards, commissions, agencies, corporations, and other entities or authorities over which the County Council does not have direct, immediate oversight of daily, operational management decisions.

Ms. Penny Jeffrey, representing the League of Women Voters, addressed the Committee regarding Ordinance No. O2011-0032. Discussion ensued.

Committee members asked questions of Ms. Jeffrey pertaining to the item, which she answered accordingly.

Chairman Greenspan postponed Ordinance No. O2011-0032 from further consideration at this time.

6. MISCELLANEOUS BUSINESS

There was no miscellaneous business.

7. OTHER PUBLIC COMMENT

No public comments were given.

8. ADJOURNMENT

With no further business to discuss and on a motion by Ms. Connally with a second by Chairman Greenspan, the meeting was adjourned at 3:48 p.m., without objection.

COUNTY COUNCIL OF CUYAHOGA COUNTY, OHIO

MOTION NO. M2011-0052

Sponsored by: Councilmember Greenspan	A Motion amending Rule 9D of the 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, on January 3, 2011, the Cuyahoga County Council adopted interim rules that are set to expire on March 22, 2011; and

WHEREAS, on March 22, 2011, the Cuyahoga County Council amended Rule 16D of the interim rules to change the expiration date to April 26, 2011.

WHEREAS, the interim Rules of Council provided that permanent rules shall be adopted by a Motion of Council receiving the affirmative vote of at least seven (7) members of County Council; 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;

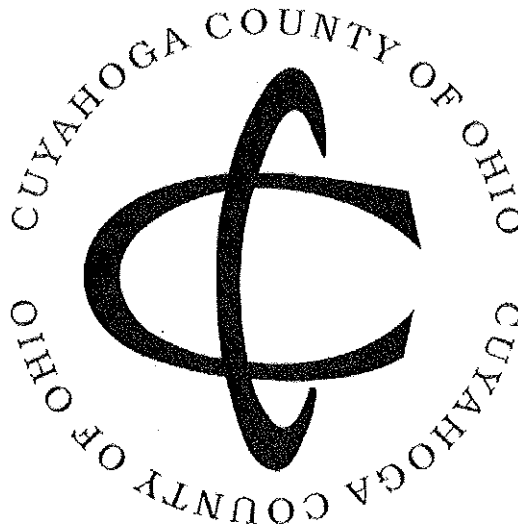
WHEREAS, Council approved permanent rules on April 26, 2011 in Motion No. M2011-0007; and

WHEREAS, Council deems it necessary to amend the permanent Rules of Council in order to strengthen the requirement that legislation be read at three (3) regular meetings of Council and to facilitate the clear understanding of possible changes to said legislation by Council and by the public.

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, is hereby amended to read as follows (additions are bolded and underlined; deletions are stricken out):

Cuyahoga County Council Rules



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

~~April 26, 2011~~

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Article I. Rules of the Cuyahoga County Council

Proposed to be adopted as the Permanent Rules of Cuyahoga County Council

Article II. Council Rules Adopted

The following "Rules of the Cuyahoga County Council" are hereby adopted for the fair, orderly, open, and ethical conduct of business by the County Council. These rules shall be posted on the County's website and shall be available as a public record.

Article III. Definitions

Section 1. "Adopted" or "adoption" means approval of legislation by Council after three (3) or more readings or after dispensing with the requirement of three (3) readings.

Section 2. "Adjourned session" means a meeting that has concluded, but prior to the conclusion of the meeting the time and date for another meeting to continue the business of the meeting has been set.

Section 3. "Agenda" means a list of all ordinances, resolutions, motions, and reports to be considered by Council at a regular or special meeting that is prepared by the Clerk of Council in written form prior to the meeting, or a similar list of matters to be considered at a Council committee meeting.

Section 4. "Charter" means the Charter of Cuyahoga County, adopted by the electors of Cuyahoga County at the general election on November 3, 2009, as amended.

Section 5. "Clerk" means the Clerk of Council.

Section 6. "County" means Cuyahoga County.

Section 7. "Enacted" or "enactment" means, with respect to legislation, adoption by Council and approval by the Executive within ten (10) days after presentation by the Clerk; or adoption by Council and the expiration of ten (10) days without approval or veto by the Executive; or approval by the vote of at least eight (8) Members of Council upon reconsideration after disapproval by the Executive as provided by the Charter.

Section 8. "Executive" means the County Executive of Cuyahoga County as provided in Article 2 of the Charter.

Section 9. "Executive Session" means a meeting of Council or a Committee of Council not open to the public held according to ORC Section 121.22, as amended.

Section 10. "Record of Council" means the permanent record, maintained by the Clerk, of the agenda, minutes, reports, legislation adopted, and motions approved by the County Council and its committees.

Section 11. "Legislation" means any ordinance or resolution, including a Motion of Council or Ceremonial Resolution, submitted to the Council for consideration. Legislation shall be designated as an "ordinance" if it is of a general and permanent nature and as a "resolution" if it is of a temporary nature or does not prescribe any permanent rules of conduct and/or expression of legislative intent.

Section 12. "Matters" mean all legislation, parliamentary motions, agenda items, and requests to address Council.

Section 13. "Meeting" means any prearranged discussion of public business by a majority of the Members of Council or by a majority of the Members of any Council committee.

Section 14. "Member" means a Member of the County Council, as provided in Article 3 of the Charter, unless the context clearly indicates otherwise.

Section 15. "Motion of Council" means a form of resolution which proposes action by the Council that is not of a general nature and is not subject to veto by the Executive.

Section 16. "Organizational Meeting" means the Regular Council Meeting which occurs on the first business day of each year that immediately follows the year during which elections are held for the office of Member of County Council.

Section 17. "Parliamentary Motion" means a proposal made in a meeting of Council or a Committee of Council in accordance with the Rules of Council to expedite or control deliberations and the transaction of business.

Section 18. "Presiding officer" means the President for a meeting of Council and the Chairperson for a committee.

Section 19. "Regular Council Meeting" means a prearranged meeting of the County Council scheduled pursuant to a Motion of Council approved to set or amend the Council calendar for each year.

Section 20. "Special Council Meeting" means a meeting of Council that is neither a Regular Council Meeting, nor the resumption of a Regular or Special Council Meeting that had been adjourned to another time or day and time.

Article IV. Rules

Rule 1. Members of Council

Rule 1A: Member Conduct

Members shall at all times conduct themselves with courtesy and respect for their fellow officeholders, the Executive and members of the administration, county employees, and the public, and shall discharge their duties in accordance with the high public trust placed in them.

Rule 1B: Members to Provide Contact Information

Upon taking office, each Member shall provide the clerk contact information including business and residential address, office, facsimile, home and cellular telephone number(s) and email address(es). Based on the information provided, the Member shall designate primary contact information to which notices shall be sent.

Rule 1C: Council Vacancy

If a vacancy occurs in the position of any Member and it becomes the responsibility of Council to fill that vacancy according to Article 3, Section 5 or 6 of the Charter, the Council shall fill the vacancy by adoption of a Motion of Council within the 30-day time limit set by the Charter.

Rule 1D: Proclamations and Letters of Commendation and Condolence

The President may, on the request of any Member, sign proclamations or letters of commendation or condolence on behalf of the Council. Such proclamations or letters shall include the signatures of the President and the sponsoring Member(s).

Rule 2. Officers of Council

Rule 2A: Organizational Meeting

On the first business day of each year following a general election for Members of Council, the Council shall conduct an Organizational Meeting, at which it shall elect one of its Members as President and one other Member as Vice-President, in accordance with Article 3, Section 10 Subsection 1 of the Charter, to serve until their successors are chosen at the next organizational meeting of Council.

Rule 2B: Clerk's Role at Organizational Meeting

The Clerk shall preside over the Organizational Meeting until the President is chosen, after which the President shall preside over the remainder of the Organizational Meeting.

Rule 2C: Process for Election of Council Leadership

The President and Vice President shall be elected at the Organizational Meeting as follows:

- (1) Any Member may nominate themselves or another Member, and a second shall not be required.
- (2) After all nominations for President have been made, the Clerk shall call the roll, and each Member shall vote for one candidate.
- (3) A Member must receive at least six (6) votes for election. If no Member receives six (6) votes and one candidate receives the fewest number of votes, the candidate receiving the fewest number of votes shall be eliminated and the voting process shall be repeated. If two or more candidates are tied for the least number of votes, then no candidates shall be eliminated, and the voting process shall be repeated. If no candidate receives six (6) votes in the second round, the process described above shall be repeated until a candidate is elected.
- (4) After the election of the President, the Vice President shall be elected in the same manner.

Rule 2D: Duties of President of Council

The President shall preside at all meetings of Council and shall perform all duties as specified in the Charter, the Codified Ordinances of Cuyahoga County, these Council Rules, or by Motion of Council. The President may appoint any Member to preside at any meeting of Council, but such appointment shall not extend beyond the duration of that meeting.

Rule 2E: Duties of Vice-President of Council

The Vice-President shall preside in the absence or disability of the President at all meetings of Council, shall perform all the duties of the President during such absence or disability, and shall perform all other duties as set forth in the Charter, the Codified Ordinances of Cuyahoga County, these Council rules, or by Motion of Council.

Rule 2F: Absence or Disability of President and Vice-President

In the absence or disability of both the President and Vice-President, the Member with the most seniority shall serve as President Pro-Tem and perform all the duties of the President during such absence or disability. If no one Member has the most seniority, the Clerk shall conduct an election for President Pro-Tem, with all Members being eligible, using the procedure set forth in Rule 2C, except that a majority of those voting shall be sufficient for election.

Rule 2G: Council Officer Vacancy

If a vacancy occurs in the office of President, the Vice-President shall become President. Not later than the second regular meeting after the vacancy occurs, the

President shall conduct an election for Vice- President, following the procedure set forth in Rule 2C. The same election procedures shall be followed if a vacancy occurs in the office of Vice-President.

Rule 2H: Council Officers Entitled to Vote

The President and Vice-President shall be entitled to vote on all matters.

Rule 3. Council Personnel

Rule 3A: Clerk of Council

The Council shall appoint and set the salary and compensation for a Clerk of Council, who shall have the following duties:

- (1) Attend meetings of Council, determine quorums, record the proceedings and the votes of each Member, and keep the minutes of the proceedings;
- (2) Provide notices as required by the Charter, general law, and these Council Rules;
- (3) Accept, record, and compile proposed legislation for inclusion in the agenda of Council;
- (4) Deliver all adopted legislation to the Executive;
- (5) Deliver proposed legislation to the Committee Chairs;
- (6) Accept and provide to the President requests to address Council;
- (7) Publish all legislation as required by these Council Rules;
- (8) Publish the Record of Council;
- (9) Conduct the election of the President of Council;
- (10) Attend Council Committee meetings in person or by designee, determine quorums, record the proceedings and the votes of each member, keep the minutes of the proceedings, and accept and provide the Chairperson requests to address the Committee;
- (11) Any other duties that the Council determines are necessary for the performance of its duties.

Rule 3B: Other Council Personnel

- (1) The Council shall, by appropriate legislation, determine the job titles, classifications, compensation and duties of full or part-time staff as are needed to properly perform the duties of Council as set forth in the Charter; and in so doing,

Council shall reference the classification and salary administration system as established by ordinance and administered by the Human Resources Commission.

(2) The Council shall, by appropriate legislation, determine the compensation and duties of other personnel, such as contractors or professional experts or other consultants on a retainer or contract basis, as are needed to properly perform the duties of Council as set forth in the Charter.

Rule 4. Quorum of Council

Rule 4A: Quorum Defined

A quorum of Council shall consist of six (6) Members, which shall constitute the number of Members required to transact any business that does not require a larger number of Members, as specified in the Charter and/or these Council Rules.

Rule 4B: Clerk to Determine Quorum

The Clerk shall determine the presence of a quorum by roll call at the beginning of each Council meeting, shall announce that a quorum is present, and shall keep a record of Members present.

Rule 4C: Absence of Quorum

A Member may at any time raise a point of order and request the President to determine whether a quorum is present. The President shall then direct the Clerk to call the roll of Members. If a quorum is not present, the Council may not conduct any business until a quorum is restored, except to adjourn, fix a date and time to which to adjourn, or take any other action permitted in the absence of a quorum, as provided in Robert's Rules of Order, Newly Revised.

Rule 5. Meetings of Council

Rule 5A: Schedule of Regular Council Meetings

At each Organizational Meeting, the Council, by a Motion of Council, shall establish a schedule of the dates, times, and locations of all Regular Council meetings for the following two years.

Rule 5B: Regular Place and Times for Council Meetings

All meetings of Council shall take place at the County Council Chambers on the first floor of the Justice Center at 1200 Ontario Avenue, Cleveland, Ohio, 44113, unless otherwise specified. Regular Council Meetings shall take place on the 2nd and 4th Tuesday of each month at 6:00 PM, unless otherwise specified in the annual schedule established by the Council.

Rule 5C: Procedure and Notice for Change of Council Meeting Schedule

(1) The Council may, by Motion of Council, change the date, time, or place of any Regular Council Meeting or cancel any Regular Council Meeting; however, the Council shall provide at least three (3) days notice in rescheduling any Regular Council Meeting. In an emergency, the President may cancel and/or reschedule a Regular Council Meeting. Notice of any rescheduled Regular Meeting of Council shall be promptly given to all Members, posted on the County's website, posted at the Clerk's Office, and distributed to the news media that have requested this information.

(2) When any changes are made to the Council's annual schedule, the Clerk shall promptly update the biennial schedule on the County's website. The Clerk shall also provide a copy of the current biennial schedule of Council meetings to any member of the public upon request.

Rule 5D: Notice Required for Adjourned Meeting of Council

The Council may adjourn any meeting to a time and place certain. Notice shall be given to any Members not in attendance at the meeting so adjourned, not later than the third business day prior to the meeting of the adjourned session or as soon as practicable if such adjournment is for a time less than four (4) days. Notice of the adjourned session shall at the same time also be posted on the County's website, posted at the Clerk's Office, and distributed to the news media that have requested this information.

Rule 5E: Special Council Meetings

A Special Council Meeting may be called by the President upon notification to the Clerk or by any five (5) Members, upon delivery to the Clerk of a written request, specifying the date, time, location, and purpose of such meeting, along with the titles of any legislation to be discussed. At a Special Council Meeting called by five (5) Members, only matters specified in the request may be considered. All Special Council Meetings shall follow all rules regarding open meetings and public notice that apply to Regular Council Meetings.

Rule 5F: Notice Required for Special Council Meeting

Notice of the date, time, location, and agenda for any Special Council Meeting shall be given to all Members not later than twenty-four (24) hours prior to the time of such meeting and shall at the same time be posted on the County's website, posted at the Clerk's Office, and distributed to the news media that have requested this information.

Rule 5G: Digital Record of Council Meetings Required

All meetings of Council shall be audiotaped and/or videotaped, and these recordings shall be preserved by the Clerk as public records.

Rule 5H: Absence of Members

Members are expected to attend all Regular Council Meetings. Not later than the second Regular Council Meeting following a meeting at which a Member is absent, the Council may vote to excuse that member's absence. Absences may be excused by parliamentary motion. The Clerk shall record the presence or absence of each Member at each Council Meeting, and shall record which absences are excused. As provided in Article 12, Section 3 of the Charter, any Member who is absent from three consecutive Regular Council Meetings, without being excused by Council, shall forfeit his/her office in the Council.

Rule 5I: Council Meeting Agenda

The Clerk, with the approval of the President shall prepare the agenda for each Council meeting. The agenda shall include proclamations, ordinances, resolutions, Motions of Council, messages from the Executive, committee reports, and other business to be considered, arranged in order as provided for in Rule 6A.

Rule 5J: Publication of Agenda for Council Meetings

Not later than the close of business on the second business day prior to any Council meeting, the Clerk shall post the agenda for the meeting and supporting information from the packets of information prepared for Council on the County's website and include the same information in the Record of Council, and the Clerk shall post the agenda at the Clerk's office.

Rule 5K: Council Member Packets

Not later than the close of business on the second business day prior to any meeting of Council, the Clerk shall provide each Member with a packet providing background information on the matters expected to come before Council at the next meeting and containing the draft minutes of the previous meeting. The packets may be provided in an electronic format.

Rule 5L: Deadline for Submission of Items for Council Agenda

All items requested to be placed on the agenda for introduction at any Regular Council Meeting shall be submitted to the Clerk in the final form that they will be submitted to Council no later than the close of business on the fifth (5th) business day prior to the Regular Council Meeting. Exceptions to this deadline may be made with the approval of the President and the Clerk.

Rule 6. Order of Business

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) Miscellaneous committee reports
- (16) Miscellaneous business
- (17) Public comment not relating to today's agenda
- (18) 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 7. Actions of Council

Rule 7A: Types of Council Action

The Council may take action only through ordinances, resolutions, Ceremonial Resolutions, Motions of Council, and parliamentary motions.

Rule 7B: Ordinances

- (1) An ordinance shall provide for matters of a general and permanent nature.
- (2) The heading of an ordinance shall be as follows:

COUNTY COUNCIL OF CUYAHOGA COUNTY, OHIO
Ordinance No. _____
Sponsored by _____

- (3) Each ordinance shall contain only one subject. The title shall be a succinct summary of the subject and purpose of the ordinance. Legislation amending existing law shall also be noted as such in the title.
- (4) The Clerk shall assign a number to each ordinance, which shall indicate the year of introduction, and the number of the ordinance within that year.
- (5) The ordinance shall state the sponsor and any cosponsors. Two or more Members may jointly sponsor an ordinance.
- (6) The enacting clause shall read , "Be it enacted by the County Council of Cuyahoga County, Ohio:"

Rule 7C: Resolutions

- (1) A resolution proposes legislative action that does not involve permanent changes in law.
- (2) The heading for a resolution shall be as follows:

COUNTY COUNCIL OF CUYAHOGA COUNTY, OHIO
Resolution No. _____
Sponsored by: _____

- (3) Each resolution shall contain only one subject. The title shall be a succinct summary of the subject and purpose of the resolution.
- (4) The Clerk shall assign a number to each resolution, which shall indicate the year of introduction and the number of the resolution within that year.
- (5) The resolution shall state the sponsor and any cosponsors. Two or more Members may jointly sponsor a resolution.
- (6) The resolution shall contain statements of support, followed by a resolution clause that reads, "Be it resolved by the County Council of Cuyahoga County, Ohio, that..."

Rule 7D: Ceremonial Resolutions

(1) Ceremonial resolutions are acknowledgements, generally of congratulation or condolence, to recognize a noteworthy event or person.

(2) Ceremonial resolutions shall be adopted in the same manner as other resolutions.

Rule 7E: Motions of Council

(1) Any non-legislative power of the County Council or actions not subject to Executive veto, other than Ceremonial Resolutions, may be exercised by adoption of a resolution in the form of a Motion of Council. These powers include, but are not limited to:

(A) Organization and administration of the Council.

(B) Confirmation or rejection of appointments proposed by the Executive.

(C) Actions necessary to exercise Council's oversight authority, pursuant to Article 3, Section 9, Subsection 10 and Article 3, Section 12 of the Charter.

(D) Actions expressing the sentiment of Council on a public issue.

(2) All approved Motions of Council shall be in written form, provide the full text of the motion, indicate the name(s) of the Member(s) who made the motion and the date of approval by Council, and shall be signed by the President and Clerk.

(3) A Motion of Council shall be adopted in the same way as other resolutions.

(4) The Clerk shall assign a number to all Motions of Council, and they shall be posted on the County's website and shall be kept in the Record of Council.

Rule 7F: Parliamentary Motions

Actions of a procedural nature, including to excuse the absence of a member, may be approved by passage of the appropriate parliamentary motion.

Rule 7G: Sponsorship

At any point prior to final passage of legislation in Council, any Member may add or withdraw his/her name as a sponsor by notifying the Clerk.

Rule 8. Decorum

Rule 8A: Visual Demonstrations Prohibited

No posters, placards, banners or signs shall be carried into Council Chambers or into any committee meeting.

Rule 8B: Respectful Presence

Any applause, outburst, or demonstration during any Council or committee meeting shall be permitted only when respectful toward all persons present and not disruptive of the proceedings at the meeting.

Rule 8C: Audible Communication Devices Prohibited

No use of any audible wireless communication device shall be permitted during Council or committee meetings.

Rule 8D: Filming, Taping, and Recording

No one may film, tape, or record any meeting of Council or a committee meeting in a way that disrupts or significantly interferes with the conduct of the meeting. Anyone who intends to film, tape, or record any meeting of Council or a committee meeting is requested to register with the Clerk prior to the meeting on a written form that will be provided for this purpose. The Clerk shall set up a process for those who intend to film, tape, or record on a regular basis to provide a single registration, which shall be effective until the next Organizational Meeting of Council.

Rule 9. Parliamentary Procedure

Rule 9A: Parliamentary Procedure Manual

The parliamentary guide for procedural issues not covered in these Council Rules shall be Robert's Rules of Order, Newly Revised.

Rule 9B: Presiding Officer to Direct Meetings

All discussion in Council and committee shall go through the presiding officer, who shall control the order of speakers and shall put motions offered by Members before the Council or committee for consideration and action.

Rule 9C: Reading of Legislation

Legislation shall be read by title only.

Rule 9D: Three Readings Required

(1) All legislation shall be read on three (3) separate days at regular Council meetings, unless this requirement is dispensed with by the affirmative vote of seven (7) Members of Council, as provided in Article 3, Section 10, Subsection 4 of the Charter. A motion to dispense with the requirement that legislation be read on three (3) separate days shall be in order only if each Member has a readily accessible paper or electronic copy of the ordinance or resolution to which this motion applies; and this motion may not apply to more than one ordinance or resolution, except by unanimous consent.

(2) If legislation is voted out of committee with the stipulation that it is to be sent back to committee, then the original re-introduction to council shall not be considered, an "Official Reading" for purposes of three readings.

Rule 9E: Parliamentary Motions

(1) Parliamentary motions are classified as follows: main motion, subsidiary motions, privileged motions, incidental motions, and renewal motions.

(2) Privileged motions do not relate to the pending business, but deal with matters of immediate importance, and given precedence, in the following order, starting with the highest:

(A) Adjourn to a time certain

(B) Adjourn

(C) Recess

(D) Raise a question of privilege, making a request relating to the rights of members

(E) Call for orders of the day, to ask that the Council or committee conform to the agenda

(3) Subsidiary motions aid in handling the main motion. They rank below privileged motions and are listed below in order of precedence, starting with the highest:

(A) To lay on the table, a motion to set aside business temporarily when something else of immediate urgency has arisen. This motion is not to be used simply to prevent a direct vote on a motion.

(B) Previous question, a motion to close debate and vote immediately, which requires a 2/3 vote of the Members present and voting.

(C) To limit or extend debate

(D) To postpone to a day certain

(E) To commit or refer to committee

(F) To postpone indefinitely

(G) To amend

(4) Incidental motions deal with questions of procedure which must be decided before business can proceed. The following incidental motions may take priority over a privileged or subsidiary motion, depending on how the motion relates to the main motion.

(A) Point of order

(B) Suspension of the rules

(C) To withdraw a motion

(D) To divide a question, asking that allows a motion with several parts be considered as two or more separate questions.

(5) A main motion to bring an item for consideration before the Council or any committee of Council is not in order when any other question is before the Council and yields to all privileged, incidental, and subsidiary motions.

(6) The following renewal motions bring a question back before the Council or committee:

(A) Take from the table

(B) Rescind, a motion to cancel the action taken in a previously approved motion

(C) Reconsider, a motion to bring back for further consideration a motion that had previously been voted on.

Rule 9F: Renewal of Motions

Motions that failed to be adopted may be renewed at another meeting, but may not be reintroduced at the same meeting.

Rule 9G: Motion to Reconsider

A motion to reconsider must be made by a Member who voted on the prevailing side when the question was first voted on and must be made on the same day or at the next meeting of the Council or committee at which the question was originally voted on.

Rule 9H: Time Limit for Members Speaking

Members may not speak for more than five (5) minutes at a time at a Council meeting on any one topic; but this limit may be extended at the discretion of the President.

Rule 9I: Non-debatable Motion Following Speech Prohibited

It shall not be in order to conclude a speech in the Council or in committee by making a non-debatable motion.

Rule 9J: Amendments

All amendments shall be germane to the subject that is proposed to be amended. All proposed amendments to an ordinance, resolution, or Motion of Council shall be in written form, except that the President or the chairperson of a committee may accept for consideration a verbal amendment that is clear, unambiguous, and may be

presented in a single sentence or a few words. A parliamentary motion need not be in written form.

Rule 9K: Committee Authority to Pass Amendments

If an amendment is approved in committee, it shall not need to be approved by Council; nor shall passage of an amendment change the number of readings in Council required for passage of an ordinance, resolution, or Motion of Council.

Rule 9L: Executive Appointments

Approval of appointments of the Executive shall require a Motion of Council. The prospective appointment shall be considered at one or more meetings of the appropriate committee, unless this requirement is dispensed with by a vote of at least eight (8) Members. The Council shall make decisions regarding appointments of the Executive based on the best obtainable information on how well the experience and qualifications of the applicant match the requirements of the position for which the applicant is being considered, and based on the need that appointees be reflective of all the people of Cuyahoga County.

Rule 9M: Expedited Consideration of Executive Appointments

If the Executive makes a recommendation for appointment at a time that does not closely coincide with the date of a Regular Council Meeting, the President may refer the appointment to the appropriate committee prior to its presentation at a Regular Council Meeting. The Clerk shall promptly notify all Members when such referral is made. An appointment referred in this manner may be approved at a single Regular Council Meeting following the committee hearing only by suspending Rule 7E, requiring Motions of Council to be heard at two Regular Council Meetings.

Rule 9N: Council Appointments

Appointments to Boards, Commissions, and Advisory Committees that the Charter directs be made by the Council shall be done by a Motion of Council. The President shall make recommendations to Council on Council appointments, based on work done by the appropriate committee to find candidates whose experience and qualifications best match the requirements of the positions for which they are being considered, and on consideration of the need that appointees be reflective of all the people of Cuyahoga County.

Rule 10. Voting

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 voting on the matter could for any reason constitute a violation of state or county ethics law.

Rule 10B: Proxy Voting Prohibited

Proxy voting shall not be allowed in the Council or in committee.

Rule 10C: Voting Procedure

Voting on all matters shall generally be by voice vote, except that a roll call vote may be held on any matter at the discretion of the presiding officer or upon the request of any Member or the Clerk. Voting may also be done electronically, provided that the appropriate equipment is available and that the vote of every Member is publicly displayed or announced by the Clerk. The presiding officer shall insure that the Clerk is able to record the vote of every Member on all matters. At all roll calls, the names of Members shall be called in order by the number of their district, except that the President shall vote last. At each successive Council Meeting, the Clerk shall advance the starting point in the roll call by one Member, in order to insure variation in the order in which Members vote.

Rule 10D: Change of Vote

Prior to the announcement of the vote on any question, any Member may request to change his/her vote, and such request shall be approved by the Presiding Officer, except for good cause; however, no Member shall be permitted to change his/her vote after the result of the vote has been declared.

Rule 11. Legislation

Rule 11A: Information Required in Legislation

Legislation, consisting of ordinances and resolutions, shall recite the name of the sponsor(s) and cosponsors(s), the date of all readings in Council, the date of any committee reports, the date of adoption, the date of approval or disapproval by the Executive, and the date of enactment upon reconsideration if disapproved by the Executive, as applicable.

Rule 11B: Signatures Required for Adoption of Legislation

Legislation adopted shall be authenticated by the signatures of the President, the Clerk, and, if approved, by the Executive.

Rule 11C: Clerk to Maintain Legislation

Following introduction, the Clerk shall maintain all original copies of proposed and adopted legislation in a safe and permanent manner, allow for public inspection of all proposed and adopted legislation, and provide copies upon request pursuant to the public records law.

Rule 11D: Vote Required for Adoption of Legislation

Adoption of legislation shall require the affirmative vote of at least six (6) Members of Council, except as otherwise provided by the Charter, the Codified Ordinances of Cuyahoga County, or applicable general law.

Rule 11E: Effective Date of Legislation

Legislation shall take effect at the time provided for in general law, unless a later time is specified in the legislation. The time normally required for legislation to become effective may be dispensed with and an ordinance or resolution may be designated to become effective immediately upon enactment; however such action requires that the legislation contain a statement of the necessity for such action and that the legislation receive the affirmative vote of at least eight (8) Members, as specified in Article 3, Section 10, Subsection 8 of the Charter. If an ordinance or resolution fails to receive the necessary eight (8) votes to become effective immediately, the Council may amend the legislation by removing the language stating the reason for necessity that the legislation become effective immediately upon enactment and then vote on it again.

Rule 11F: Expiration of Pending Legislation

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.

Rule 11G: Reconsideration After Executive Veto

When the Executive has disapproved an ordinance or resolution, or a part or item thereof, the Council may, not later than its second regular meeting following such disapproval, proceed to reconsider the disapproved measure. If on reconsideration, it received the affirmative vote of at least eight (8) Members of Council, it shall then take effect as if it had received the approval of the Executive, as provided in Article 3, Section 10 Subsection 7 of the Charter.

Rule 11H: Publication and Codification of Legislation

All legislation shall be published on the County's website, codified as prescribed by law and these Rules of Council, and shall be kept in a permanent file, which may be in an electronic format.

Rule 11I: Codification of Legislation

The Clerk, in consultation with the Director of Law, shall regularly compile the legislation of Cuyahoga County into a code or compilation of laws in book form by title, chapter, and section, without substantive change or alteration of purpose or intent. The codification shall be known as "The Codified Ordinances of Cuyahoga County."

Rule 11J: Authorization to Make Technical Changes

The Clerk, in consultation with the Director of Law, may make technical, non-substantive changes, only to the extent deemed necessary, to convert the original ordinances to codified form, including, but not limited to:

- (1) Creating a consistent system of capitalization.
- (2) Making chapter, section, and subdivision designations consistent.
- (3) Substituting for the term "this ordinance," if necessary, a term such as "section" or "chapter."
- (4) Substituting the proper calendar date for phrases such as "effective date of this ordinance."
- (5) Elimination from the Codified Ordinances of titles to ordinances, enacting and repealing clauses, statements of facts, preambles, effective dates, declarations of severability and reasons for ordinances to become effective immediately upon enactment.

Rule 11K: Historical Record of Codified Ordinances

The Clerk, with appropriate assistance, shall prepare and maintain full historical records showing the enactment, amendment, revision, supersession, and repeal of the various sections of the Codified Ordinances.

Rule 11L: Maintenance of Codified Ordinances

The Clerk shall maintain the Codified Ordinances and historical records of the Codified Ordinances on the County's website and in a permanent file, which may be in an electronic format; however, some printed copies shall be prepared at least annually.

Rule 12. Committees

Rule 12A: Referral to Committee

All legislation shall first be introduced at a Council meeting, and the President shall then assign that legislation to committee for review and recommendation, unless the Council, through suspension of the rules, decides to dispense with committee review on any matter.

Rule 12B: Referral to Multiple Committees

The President may assign a matter to multiple committees, either simultaneously or sequentially.

- (1) If a matter is referred to multiple committees sequentially, it shall be heard in Council on second reading after being reviewed by all assigned committees. The

recommendations of all assigned committees shall be considered and the matter shall be reported in the form recommended by the last committee.

(2) If a matter is referred to multiple committees simultaneously, the President shall designate one of the assigned committees as the lead committee. The matter shall be heard in Council on second reading after being reviewed by all assigned committees. The recommendations on all assigned committees shall be considered and the matter shall be reported in the form recommended by the lead committee.

Rule 12C: Joint Committees

The President may assign a matter to be heard jointly by two or more standing committees. The President shall determine the Chairperson and Vice-Chairperson of the joint committee from the Chairpersons and Vice-Chairpersons of the standing committees that make up the joint committee. A quorum of the joint committee shall be a majority of all of its Members, and each Member shall have one vote on the joint committee, regardless of whether they belong to one or more of the standing committees that make up the joint committee.

Rule 12D: Subcommittees

The Chairperson of any standing committee, with the approval of the President, may appoint one or more subcommittees, comprised of Members of that standing committee, to study and make recommendations to the full committee or the Council on specific subjects within the standing committee's jurisdiction. The chairperson of each standing committee shall, with the approval of the President, appoint the Chairperson and Vice-Chairperson of each subcommittee created under that standing committee. Except for the provisions of this rule relating to the appointment of Members and officers of subcommittees, all other rules that apply to committees of Council shall also apply to subcommittees, including but not limited to rules regarding notice of meetings, keeping of minutes, advance publication of the agenda, and provision of time for public comment.

Rule 12E: Advisory Subcommittees

(1) The Chairperson of any standing committee, with the approval of the President as described more fully below, may appoint the Chairperson, Vice-Chairperson, and members of one or more advisory subcommittees, comprised of one or more Members of that standing committee and one or more members of the general public, to study and make written recommendations to the full committee on specific subjects within that standing committee's jurisdiction. Members of the public serving on advisory subcommittees shall be electors of Cuyahoga County and shall serve at the pleasure of the Chairperson. The Chairperson of each advisory subcommittee shall be a Member of Council.

(2) Prior to the appointment of any advisory subcommittee, the President of Council shall approve the purpose, duration, persons to be appointed as officers, and persons to be appointed as members of the advisory subcommittee.

(3) Except for appointment and composition as provided above, all rules that apply to Committees of Council shall also apply to advisory subcommittees, including but not limited to rules regarding notice of meetings, keeping of minutes, advance publication of the agenda, and provision of time for public comment.

Rule 12F: Temporary Appointments to Committee

If a Member is absent from any Council committee meeting, the President may appoint a replacement as Member Pro Tem, but such appointment shall not extend beyond that meeting of the committee.

Rule 12G: Standing Committees

The following standing committees are established for the council:

- (1) Health, Human Services & Aging
- (2) Public Safety
- (3) Justice Affairs
- (4) Economic Development & Planning
- (5) Finance & Budgeting
- (6) Public Works, Procurement & Contracting
- (7) Intergovernmental Relations & Collaboration
- (8) Human Resources, Appointments & Equity
- (9) Environment & Sustainability
- (10) Rules, Charter Review, Ethics & Council Operations

Rule 12H: Committee Assignments to be for Two Years

Committee assignments shall be for a term of two years, but changes in assignments may be made at other times through a Motion of Council.

Rule 12I: President to Appoint Committees

Not later than the second Regular Council Meeting in each calendar year, 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.

Rule 12J: Council to Set Regular Committee Times

Not later than the third Regular Council Meeting each year, the Council shall pass a Motion of Council, setting the regular days, meeting times, and locations for the standing committee meetings. After the regular schedule of standing committees is set, the Chairperson of any standing committee may, with the approval of the President, change the regular day, time, or location of a standing committee. The Clerk shall update the list provided for in Rule 12W to reflect any changes.

Rule 12K: Special Committees

The Council may, by Motion of Council, create special or ad hoc committees in addition to the standing committees. The President shall appoint the Chairperson, Vice-Chairperson, and Members for such committees in the same way as for standing committees.

Rule 12L: Committees to Appoint Secretary

Each committee, at its first meeting and at its first meeting following each Organizational Meeting, shall elect one of its Members as Secretary, who shall perform the duties of the Clerk at any meeting in which the Clerk or his/her designee is unable to be present.

Rule 12M: Quorum and Record of Attendance at Committee Meetings

A quorum for any committee shall be a majority of its Members. The Clerk shall determine the presence of a quorum by roll call at the beginning of each committee meeting, shall announce when a quorum is present, and shall keep a record of Members present. In the absence of a quorum, a committee may take testimony, but otherwise may not taken any action, other than those actions allowed to be taken in the absence of a quorum, as provided in Robert's Rules of Order, Newly Revised.

Rule 12N: Notice Requirements for Committee Meetings

Except as provided in Rule 12O, all Members shall be notified of the date, time, location, and agenda for any committee meeting at least two (2) business days before the meeting, and the same information shall at the same time be listed in the Record of Council, posted on the County's website, and posted at the Clerk's Office. For any committee meeting that is scheduled for a day, time or location other than its regularly scheduled day, time, and location as provided for in Rule 12J, the same information shall be distributed to the news media that have requested this information. The agenda shall include a list by number and short title of all legislation to be considered at the meeting.

Rule 12O: Emergency Committee Meeting

An Emergency Committee Meeting may be conducted with shorter notice than that required in Rule 12N, provided that at least twenty-four (24) hours before the meeting, all the notice requirements of Rule 12N are completed and same notice is distributed to the news media that have requested this information. At an Emergency Committee Meeting, only matters on the agenda for the meeting may be considered.

Rule 12P: Vote Required for Committee Recommendations

A majority of all Members of a committee shall be required to approve a recommendation regarding an ordinance, resolution, or Motion of Council; but all other actions may be taken with the approval of the required majority or supermajority of those present for the motion in question, providing that a quorum is present.

Rule 12Q: Committee Reports

For each committee meeting at which legislation is heard, the minutes shall include a separate section providing a status report listing all legislation heard by number and short title and stating the action taken by the committee on each item. Whenever legislation is amended in committee or a substitute version is accepted, whether or not the legislation is reported out of committee, a copy of the latest version shall be attached to the minutes, included in the Record of Council, and included in a posting of pending legislation on the County's website.

Rule 12R: Clerk or Designee to Staff Committees

The Clerk shall determine the presence of a quorum, keep minutes, and record votes at each committee meeting, but may appoint another member of Council's staff to perform these duties for any committee meeting. Minutes shall be kept at each committee meeting and shall be promptly included in the Record of Council and posted on the County's website, but in no case later than seven (7) days after the conclusion of the meeting.

Rule 12S: Committee of the Whole

The full Council may operate as a Committee of the Whole, with the President and Vice President of Council serving as the President and Vice President of the committee, respectively. The President may refer any matters to the Committee of the Whole in the same way that matters are referred to other committees.

Rule 12T: Discharge from Committee

Any matter pending before any committee or committees of Council may be discharged from committee and placed on 2nd reading upon presentation to the Clerk of a discharge petition signed by not less than six (6) Members of Council. The Clerk shall immediately notify all members when a valid discharge petition is presented. The matter discharged shall be placed on 2nd reading at the next Council meeting following presentation of the discharge petition if that Council meeting occurs at least three (3) business days following presentation of the discharge petition; otherwise, the matter discharged shall be placed on 2nd reading at the second meeting of Council following presentation.

Rule 12U: Participation of Members at Committee Meetings

Any Member may be seated at the committee table and participate in all discussions, whether or not that Member has been appointed to that committee; however, a

Member who has not been appointed to a committee may not offer motions or vote at that committee.

Rule 12V: Notice Provisions for Adjourned Committee Meeting

A committee may adjourn to a time and place certain, but shall follow the notice provisions of Rule 5D in giving notice of the time and place to which the meeting is adjourned. Notice shall be given to all Members, whether or not they have been assigned to the committee.

Rule 12W: List of Committees

The Clerk shall maintain and post on the County's website a list of all standing, joint, ad hoc, or special committees and all subcommittees and advisory subcommittees currently existing within the Council, the officers and members of each, and the regular day, time, and location of meeting of each, if established.

Rule 13. Work Sessions

Rule 13A: Work Sessions

At the discretion of the presiding officer, the Council or any Committee of Council may hold a Work Session to work on matters through a more informal process.

Rule 13B: Work Sessions Considered Committee Meetings

Except as provided in Rule 14C, work sessions shall be considered committee meetings in all other respects. All other rules that apply to Council committees shall also apply to Work Sessions, including but not limited to the requirements for open meetings, advance notice of the meeting, advance publication of the agenda, keeping of minutes, and provision of time for public comment.

Rule 13C: Informal Process Permitted at Work Sessions

All Work Sessions shall be conducted under the leadership of the presiding officer, but the presiding officer may suspend the usual rules regarding the control of discussion and debate to allow for informal discussion among Members or between Members and the public and informal processes for drafting potential language for inclusion in ordinances, resolutions, and Motions of Council.

Rule 13D: No Formal Action Permitted at Work Sessions

No formal action regarding any legislation or a Motion of Council may be taken at a Work Session. The results of Work sessions shall be put into formal action at a meeting of Council or regular committee meeting, subsequent to conclusion of the Work Session.

Rule 14. Open Records, Executive Session, Specific Notice

Rule 14A: Open Meetings

All meetings of Council or any Council committee shall be open to public and conducted only after prior public notice as required in Article 12, Section 5 of the Charter, Section 121.22 of the Ohio Revised Code, and these Council Rules.

Rule 14B: Availability of Public Records

All records of the Council that relate to public business shall be available to the public as public records as required in Article 12, Section 6 of the Charter, general law, the Codified Ordinances of Cuyahoga County, and these Council Rules.

Rule 14C: Executive Session

Notwithstanding Rule 14A, the Council or any Council committee may conduct an Executive Session under the provisions of Ohio Revised Code Section 121.22, as amended. The motion to adjourn to an Executive Session shall be specific as to the matters to be discussed during the Executive Session and shall require the affirmative vote a majority of Members present. An Executive Session may be conducted only if the intent to conduct an Executive Session is stated in the published agenda for the meeting at which the Executive Session is to be conducted. Minutes shall be kept at all Executive Sessions and shall be included within the minutes of the meeting at which the Executive session was conducted. The minutes of an Executive Session shall include the location of the meeting, the date and time that the meeting started and concluded, a list of Members present, the names and titles of other persons present, and general subject matter(s) discussed.

Rule 14D: Advance Notice of Meetings Concerning Specific Topics

Any person may visit, telephone or contact by electronic mail the office of the Clerk during that office's regular office hours to determine, based on information available at that office, the time, place, and location of regular meetings; the time, place, location, and purpose of any then known special meetings; and whether the available agenda of any such future meeting states that any specific type of public business, identified by the person, is to be discussed at such meeting. In addition, any person may request, through the Clerk's office, to obtain reasonable advance notice of all meetings at which any specific type of business is to be discussed. Any person making this request may choose to receive such notifications either by electronic mail or regular U.S. mail. The Council may set a reasonable annual fee to receive this information by regular U.S. mail, but there shall be no fee to receive this information by electronic mail.

Rule 14E: Notice Available to News Media

The Clerk shall provide to any news medium organization, upon request, information including the date, time, location, and agenda of any Special Council Meeting, Regular Council Meeting adjourned to a time and place certain, Special Committee Meeting, Emergency Committee Meeting, or a committee meeting adjourned to a

time and place certain. The Clerk shall establish a procedure that complies with Section 121.22 of the Ohio Revised Code for news media to apply to receive this information on an ongoing basis.

Rule 14F: Requirements for Emergency Meeting

No Council Meeting or Committee Meeting may be held with less than twenty-four (24) hours notice unless (1) the meeting is called to deal with an emergency requiring immediate official action, (2) the appropriate rules are suspended as provided for in these Rules of Council, and (3) the public notice and other requirements of Section 121.22 of the Ohio Revised Code regarding such meetings are complied with.

Rule 15. Records of Meetings of Council and Committees

Rule 15A: Minutes of Council Meetings

The Clerk shall keep minutes of all Council meetings, which shall include the time, date, and location of all meetings; roll call of Members present; actions taken; and the vote of each Member on all questions.

Rule 15B: Minutes to be Provided to Council Members

Not later than the close of business on the second day prior to each meeting of Council, the Clerk shall provide each Member a copy of the minutes of the previous meeting, and shall provide copies of the final version of the minutes to each Member if the minutes are amended. Copies of the minutes may be provided in electronic format. The minutes shall include a written summary of actions taken at the meeting. The minutes shall also include a digital record of each Council meeting, but the digital record is not required to be included in the copies of minutes sent to Members.

Rule 15C: Record of Council

The Clerk shall keep a Record of Council, which shall be posted on the County's website and kept in a permanent file, which may be in an electronic format. The Record shall include all minutes and shall include a list of all legislation, including the number, title, sponsor, date of first reading, committee assignment, date of second reading, date of third reading, or date of dispensing with the requirement for three readings, and date of the adoption or failure to adopt. The Record of Council shall also include the agenda for all Council meetings and the agenda and minutes for all committee meetings.

Rule 16. Continuity, Amendment and Suspension of Rules

Rule 16A: Continuity of Rules

These Rules of Council shall remain in effect until amended or repealed and shall not need to be re-enacted at each Organizational Meeting of Council.

Rule 16B: Amendment of Rules

Any provision in these Council rules may be amended by adoption of a Motion of Council, approved by at least seven (7) Members of Council.

Rule 16C: Suspension of Rules

Unless otherwise specified in the Charter, the Codified Ordinances of Cuyahoga County, or these Council Rules, any rule may be suspended by a vote of 2/3 of the Members present and voting, provided that a quorum is present.

Rule 17. Requests to Address Council

Rule 17A: Public Comment at Committee Meetings

The Council encourages the public to direct any address or presentation to the applicable Committee of Council. Requests to address a committee shall be made in writing to the Chairperson of the committee, prior to addressing the committee on a form to be provided for this purpose. The request shall include the name of the requesting party and the topic(s) on which the requesting party wishes to speak.

Rule 17B: Public Comment Available at All Committee Meetings

The Chairperson shall honor all requests to address committee received before the start of a committee meeting and shall honor requests received during a committee meeting whenever it is practical to do so. The Chairperson may impose a reasonable time limit per presentation, and such time limit may be extended at the discretion of the Chairperson.

Rule 17C: Public Comment at Council Meetings

The Council shall provide time at the beginning of each Council meeting for public comment regarding items on the agenda for that meeting, and shall provide time at the end of each Council meeting for public comment that relates to County business but does not relate to the agenda for that meeting. Requests to address Council shall be made in writing to the Clerk prior to the meeting on a form to be provided for this purpose. Requests submitted to the Clerk not later than 12 Noon on the day of the meeting shall be given priority in the order of presentation. After being recognized by the President, the presenter shall state his/her name and address and may speak for not more than three (3) minutes, unless such time is extended at the discretion of the President.

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: November 9, 2011

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

Journal _____
_____, 2011

County Council of Cuyahoga County, Ohio

Ordinance No. O2011-0031

Sponsored by: Councilmember Greenspan	An Ordinance providing for the adoption of a campaign finance policy for Cuyahoga County.
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WHEREAS, campaign finance laws seek to make government more honest, transparent and accountable to all citizens; and

WHEREAS, campaign finance laws help to ensure that whether a citizen can run for public office and conduct an effective campaign is determined more by the force of his or her ideas in the public arena than by his or her personal fortune or access to wealthy supporters; and

WHEREAS, the implementation of a proper campaign finance policy can amplify the First Amendment values of robust debate and participatory democracy.

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

SECTION 1: Campaign Finance Policy. The Campaign Finance Policy of Cuyahoga County is established as follows:

CAMPAIGN FINANCE POLICY OF CUYAHOGA COUNTY, OHIO

ARTICLE 1: Definitions

Anything of Value – Has the same meaning as in Section 1.03 of the Ohio Revised Code.

Beneficiary of a Campaign Fund – A candidate, a County official or employee for whose benefit a campaign fund exists, and any other person who has ever been a candidate or County official or employee and for whose benefit a campaign fund exists.

Board of Elections – The Cuyahoga County Board of Elections.

Campaign Committee – Means a candidate or a combination of two or more persons authorized by a candidate under Section 3517.081 of the Ohio Revised Code to receive contributions and make expenditures.

Campaign Fund – Money or other property, including contributions.

Candidate – Any qualified person certified in accordance with the provisions of the Ohio Revised Code for placement on the official ballot of a primary, general, or special election to be held for a County office, or any qualified person who claims to be a write-

in candidate, or who knowingly assents to being represented as a write-in candidate by another at either a primary, general, or special election to be held for a County office.

Continuing Association – An association, other than a campaign committee, political party, legislative campaign fund, political contributing entity, or labor organization, that is intended to be a permanent organization that has a primary purpose other than supporting or opposing specific candidates, political parties, or ballot issues, and that functions on a regular basis throughout the year. “Continuing association” includes organizations that are determined to be not organized for profit under subsection 501 and that are described in subsection 501(c)(3), 501(c)(4), or 501(c)(6) of the Internal Revenue Code.

Contribution – A loan, gift, deposit, forgiveness of indebtedness, donation, advance, payment, or transfer of funds or anything of value, including a transfer of funds from an inter vivos or testamentary trust or decedent’s estate, and the payment by any person other than the person to whom the services are rendered for the personal services of another person, which contribution is made, received, or used for the purpose of influencing the results of an election. “Contribution” does not include any of the following:

- (i) Services provided without compensation by individuals volunteering a portion or all of their time on behalf of a person;
- (ii) Ordinary home hospitality;
- (iii) The personal expenses of a volunteer paid for by that volunteer campaign worker;
- (iv) Any gift given to a state or county political party pursuant to section 3517.101 of the Ohio Revised Code. As used in division this division, “political party” means only a major political party;
- (v) Any contribution as defined in section 3517.1011 of the Ohio Revised Code that is made, received, or used to pay the direct costs of producing or airing an electioneering communication;
- (vi) Any gift given to a state or county political party for the party’s restricted fund under division (A)(2) of section 3517.1012 of the Ohio Revised Code;
- (vii) Any gift given to a state political party for deposit in a Levin account pursuant to section 3517.1013 of the Ohio Revised Code. As used in this division, “Levin account” has the same meaning as in that section;
- (viii) Any donation given to a transition fund under section 3517.1014 of the Ohio Revised Code; or
- (ix) Any contribution that is specifically exempted from the definition of “contribution” under Section 3517.08 of the Ohio Revised Code.

County Council – The Cuyahoga County Council.

County Office – The offices of Executive or Prosecutor or a position on County Council.

County Political Party – A subdivision of a political party located in Cuyahoga County.

Executive – The Cuyahoga County Executive.

Expenditure – The disbursement or use of a contribution for the purpose of influencing the results of an election or of making a charitable donation under division (G) of section 3517.08 of the Ohio Revised Code. Any expenditure that is specifically exempted from the definition of “expenditure” under Section 3517.08 of the Ohio Revised Code shall not be considered an “expenditure” for purposes of this Ordinance.

General Election – The Election held on the first Tuesday after the first Monday in each November.

General Election Period – Begins on the day after the primary election immediately preceding the general election at which a candidate seeks a county office specified and ends on the thirty-first day of December following that general election.

In-Kind Contribution – Anything of value other than money that is used to influence the results of an election or is transferred to or used in support of or in opposition to a candidate, campaign committee, political party, political action committee, or political contributing entity and that is made with the consent of, in coordination, cooperation, or consultation with, or at the request or suggestion of the benefited candidate, committee, fund, party, or entity. The financing of the dissemination, distribution, or republication, in whole or part, of any broadcast or of any written, graphic, or other form of campaign materials prepared by the candidate, the candidate’s campaign committee, or their authorized agents is an in-kind contribution to the candidate and an expenditure by the candidate.

Labor Organization – A labor union; an employee organization; a federation of labor unions, groups, locals, or other employee organizations; an auxiliary of a labor union, employee organization, or federation of labor unions, groups, locals, or other employee organizations; or any other bona fide organization in which employees participate and that exists for the purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes, wages, hours, and other terms and conditions of employment.

Opponent – A candidate is an “opponent” when the candidate has indicated on the candidate’s most recently filed designation of treasurer that the candidate seeks the same office at the same primary or general election as another candidate whose campaign committee has filed a personal funds notice required by Article 6 of this Ordinance.

Personal Expenses – Includes, but is not limited to, ordinary expenses for accommodations, clothing, food, personal motor vehicle or airplane, and home telephone.

Personal Funds –

(i) Contributions to the campaign committee of a candidate by the candidate or by the candidate's spouse, parents, children, sons-in-law, daughters-in-law, brothers, sisters, grandparents, mother-in-law, father-in-law, brothers-in-law, sisters-in-law, or grandparents by marriage; and

(ii) A loan obtained by, guaranteed by, or for the benefit of a candidate for County office shall be considered "personal funds" subject to the provisions of this Ordinance to the extent that the loan is obtained or guaranteed by the candidate or is for the benefit of the candidate and is obtained or guaranteed by the candidate's spouse, parents, children, sons-in-law, daughters-in-law, brothers, sisters, grandparents, mother-in-law, father-in-law, brothers-in-law, sisters-in-law, or grandparents by marriage. A loan that is obtained or guaranteed and that is for the benefit of a statewide candidate, senate candidate, or house candidate shall not be considered "personal funds" for the purposes of this Ordinance but shall be considered to be a "contribution" for the purposes of this Ordinance if the loan is obtained or guaranteed by anyone other than the candidate or the candidate's spouse, parents, children, sons-in-law, daughters-in-law, brothers, sisters, grandparents, mother-in-law, father-in-law, brothers-in-law, sisters-in-law, or grandparents by marriage.

Political Action Committee – A combination of two or more persons, the primary or major purpose of which is to support or oppose any candidate or political party, or to influence the result of any election through express advocacy, and that is not a political party, a campaign committee, a political contributing entity, or a legislative campaign fund. "Political action committee" does not include the following:

(i) A continuing association that makes disbursements for the direct costs of producing or airing electioneering communications and that does not engage in express advocacy;

(ii) A political club that is formed primarily for social purposes and that consists of one hundred members or less, has officers and periodic meetings, has less than two thousand five hundred dollars in its treasury at all times, and makes an aggregate total contribution of one thousand dollars or less per calendar year; or

(iii) A political action committee that is organized to support or oppose a ballot issue or question and that makes no contributions to or expenditures on behalf of a political party, campaign committee, legislative campaign fund, political action committee, or political contributing entity.

Political Contributing Entity – Any entity, including a corporation or labor organization, that may lawfully make contributions and expenditures and that is not an individual or a political action committee, continuing association, campaign committee, political party, legislative campaign fund, designated state campaign committee, or state candidate fund. For purposes of this definition, "lawfully" means not prohibited by any section of the Revised Code, or authorized by a final judgment of a court of competent jurisdiction.

“Political contributing entity” does not include a political contributing entity that is organized to support or oppose a ballot issue or question and that makes no contributions to or expenditures on behalf of a political party, campaign committee, legislative campaign fund, political action committee, or political contributing entity.

Pre-Filing Period – The period of time ending on the day that the candidacy petitions are due for the office for which the candidate has filed and beginning on the latest date of the following:

- (i) The first day of January of the year following the general election in which that County office was last on the ballot;
- (ii) The first day of January of the year following the general election in which the candidate was last a candidate for any office; or
- (iii) The first day of the month following the primary election in which the candidate was last a candidate for any office.

Primary or Primary Election - An election held for the purpose of nominating persons as candidates of political parties for election to offices, and for the purpose of electing persons as members of the controlling committees of political parties and as delegates and alternates to the conventions of political parties.

Primary Election Period - Begins on the beginning date of the candidate’s pre-filing period and ends on the day of the primary election.

Prosecutor – The Cuyahoga County Prosecutor.

ARTICLE 2: Applicability of General Campaign Laws

Except as modified by this Ordinance, all provisions of Chapter 3517 of the Ohio Revised Code and all other provisions of general law related to campaigns that are applicable to candidates for County office shall continue to apply.

Nothing in this Ordinance shall affect, be used in determining, or supersede a limitation on campaign contributions as provided for in the Federal Election Campaign Act of 1971.

ARTICLE 3: Dollar Limits on Campaign Contributions

Section 3.1: Individual Contributions

(A) No individual who is seven years of age or older shall make a contribution or contributions aggregating more than:

- (i) Twelve thousand dollars (\$12,000) to the campaign committee of any one candidate for Executive or Prosecutor in a primary election period or in a general election period;

(ii) Twelve thousand dollars (\$12,000) to the campaign committee of any one candidate for County Council in a primary election period or in a general election period;

(iii) Twelve thousand dollars (\$12,000) to a county political party for any party fund dedicated to support candidates for County office in a calendar year; or

(iv) Thirty-five thousand dollars (\$35,000) to any one state political party for any party fund dedicated to support candidates for County office in a calendar year.

(B) No individual who is under seven years of age shall make any contribution to a candidate for County office.

Section 3.2: Political Action Committee Contributions

(A) Subject to Article 5 of this Ordinance, no political action committee shall make a contribution or contributions aggregating more than:

(i) Twelve thousand dollars (\$12,000) to the campaign committee of any one candidate for Executive or Prosecutor in a primary election period or in a general election period;

(ii) Twelve thousand dollars (\$12,000) to the campaign committee of any one candidate for County Council in a primary election period or in a general election period;

(iii) Thirty-five thousand dollars (\$35,000) to any one state political party for any party fund dedicated to support candidates for County office in a calendar year.

(B) No political action committee shall make a contribution to a county political party for any party fund dedicated to support candidates for County office.

Section 3.3: Campaign Committee Contributions

No campaign committee shall make a contribution or contributions aggregating more than:

(i) Twelve thousand dollars (\$12,000) to the campaign committee of any one candidate for Executive or Prosecutor in a primary election period or in a general election period;

(ii) Twelve thousand dollars (\$12,000) to the campaign committee of any one candidate for County Council in a primary election period or in a general election period;

(iii) Thirty-five thousand dollars (\$35,000) to any one state political party for any party fund dedicated to support candidates for County office in a calendar year; or

(iv) Twelve thousand dollars (\$12,000) to a county political party for any party fund dedicated to support candidates for County office in a calendar year.

Section 3.4: Political Contributing Entity Contributions

(A) Subject to Article 5 of this Ordinance, no political contributing entity shall make a contribution or contributions aggregating more than:

(i) Twelve thousand dollars (\$12,000) to the campaign committee of any one candidate for Executive or Prosecutor in a primary election period or in a general election period;

(ii) Twelve thousand dollars (\$12,000) to the campaign committee of any one candidate for County Council in a primary election period or in a general election period;

(iii) Thirty-five thousand dollars (\$35,000) to any one state political party for any party fund dedicated to support candidates for County office in a calendar year.

(B) No political action committee shall make a contribution to a county political party for any party fund dedicated to support candidates for County office.

Section 3.5: County Political Party Contributions

No county political party with a fund dedicated to support candidates for County office shall make a contribution or contributions in a primary election period or a general election period, aggregating more than:

(i) Two hundred eighty-nine thousand dollars (\$289,000) to the campaign committee of any one candidate for Executive or Prosecutor; or

(ii) Twelve thousand dollars (\$12,000) to the campaign of any one candidate for County Council.

ARTICLE 4: Acceptance of Campaign Contributions

(A) No campaign committee of a candidate for County office shall knowingly accept a contribution from any individual who is under seven years of age.

(B) Subject to Article 5 of this Ordinance, no campaign committee of a candidate for County office, county political party, or state political party shall accept a contribution or contributions aggregating more than the permissible contribution amounts set forth in Article 3 of this Ordinance.

Article 5: Affiliated Organizations

For purposes of the limitations described in this Ordinance, all contributions made by and all contributions accepted from political action committees or political contributing entities that are established, financed, maintained, or controlled by, or that are, the same

corporation, organization, labor organization, continuing association, or other person, including any parent, subsidiary, division, or department of that corporation, organization, labor organization, continuing association, or other person, are considered to have been made by or accepted from a single political action committee or political contributing entity.

Article 6: Deposit of Personal Funds in Candidate's Own Campaign Fund

Section 6.1: Deposit Required

Except as otherwise provided in Section 6.2 of this Ordinance, no candidate for County office shall make an expenditure of personal funds to influence the results of an election for that candidate's nomination or election to office unless the personal funds are first deposited into the campaign fund of that candidate's campaign committee.

Section 6.2: Deposit Not Required

A candidate for County office may make an expenditure of personal funds without first depositing those funds into the campaign committee's funds as long as the aggregate total of those expenditures does not exceed five hundred dollars (\$500) at any time during an election period. After the candidate's campaign committee reimburses the candidate for any direct expenditure of personal funds, the amount that was reimbursed is no longer included in the aggregate total of expenditures of personal funds subject to the five-hundred-dollar limit.

Section 6.3: Notice of Deposit

(A) If the campaign committee of any candidate for Executive or Prosecutor has received or expended or expects to expend more than one hundred thousand dollars (\$100,000) of personal funds during a primary election period or one hundred fifty thousand dollars (\$150,000) of personal funds during a general election period, the campaign committee shall file a personal funds notice in the manner provided in division (D) of this Section indicating that the committee has received or expended or expects to expend more than that amount.

(B) If the campaign committee of any candidate for County council has received or expended or expects to expend more than twenty-five thousand dollars (\$25,000) of personal funds during a primary election period or twenty-five thousand dollars (\$25,000) of personal funds during a general election period, the campaign committee shall file a personal funds notice in the manner provided in division (D) of this section indicating that the committee has received or expended or expects to expend more than that amount.

(C) For purposes of divisions (A) and (B) of this Section, when a debt or other obligation incurred by a committee or by a candidate on behalf of the candidate's committee is to be paid from "personal funds", those funds are considered to be expended when the debt or other obligation is incurred, regardless of when it is paid.

(D) The personal funds notice required in divisions (A) and (B) of this section and the declaration of no limits required under division (B) of Section 6.4 of this Ordinance shall

be filed with the Board of Elections. The personal funds notice required in divisions (A) and (B) of this section shall be filed not later than the earlier of the following times:

- (i) One hundred twenty (120) days before a primary election, in the case of personal funds received, expended, or expected to be expended during a primary election period, or not later than one hundred twenty days (120) before a general election, in the case of personal funds received, expended, or expected to be expended during a general election period; or
- (ii) Two (2) business days after the candidate's campaign committee receives or makes an expenditure of personal funds or the candidate makes an expenditure of personal funds on behalf of the candidate's campaign committee during that election period that exceed, in the aggregate, the amount specified in division (A) or (B) of this section.

Section 6.4: Declaration of No Limits

(A) Whenever a campaign committee files a notice under division (A) or (B) of Section 6.3 of this Ordinance, and the campaign committee of an opponent files a declaration of no limits pursuant to division (B) of this Section within thirty days of the filing of the personal funds notice under division (A) or (B) of Section 6.3 of this Ordinance, the contribution limitations prescribed in Articles 3 and 4 of this Ordinance no longer apply to the campaign committee of the candidate's opponent.

(B) No campaign committee of a candidate described in division (A) of this section shall accept any contribution or contributions from a contributor that exceed the limitations prescribed in Articles 3 and 4 of this Ordinance until the committee files a declaration that the committee will accept contributions that exceed those limitations. This declaration shall be filed not later than thirty (30) days after a candidate's opponent has filed a personal funds notice pursuant to division (A) or (B) of Section 6.3 of this Ordinance, shall be referred to as the "declaration of no limits," and shall list all of the following:

- (i) The amount of cash on hand in the candidate's campaign fund at the end of the day immediately preceding the day on which the candidate's campaign committee files the declaration of no limits; and
- (ii) The value and description of all campaign assets worth five hundred dollars or more available to the candidate at the end of the day immediately preceding the day on which the candidate's campaign committee files the declaration of no limits.

(C) A candidate who was not an opponent of a candidate who filed the personal funds notice required under division (D) of Section 6.3 of this Ordinance on the date the personal funds notice was filed may file the declaration of no limits pursuant to division (B) of this section within thirty days after becoming an opponent of the candidate who filed the personal funds notice.

(D) If the candidate whose campaign committee filed a personal funds notice under division (A) or (B) of Section 6.3 of this Ordinance fails to file a declaration of candidacy for the office listed on the designation of treasurer filed under division (D) of section 3517.10 of the Revised Code or files a declaration of candidacy or nominating petition for that office and dies or withdraws, both of the following apply to the campaign committee of that candidate's opponent if the opponent has filed a declaration of no limits pursuant to division Section 6.4 of this section:

(i) No contribution from a contributor may thereafter be accepted that, when added to the aggregate total of all contributions received by that committee from that contributor during the primary election period or general election period, whichever is applicable, would cause that committee to exceed the contribution limitations prescribed in Articles 3 and 4 of this Ordinance for the applicable election period; and

(ii) The statement of primary-day finances or the year-end statement required to be filed under division (M) of Section 9.2 of this Ordinance of the Revised Code shall be filed not later than fourteen days after the date the candidate's opponent fails to file a declaration of candidacy or nominating petition by the appropriate filing deadline, or dies or withdraws. For purposes of calculating permitted funds under division (F) of Section 9.1 of this Ordinance, the primary or general election period, whichever is applicable, shall be considered to have ended on the filing deadline, in the case of an opponent who fails to file a declaration of candidacy or nominating petition, or on the date of the opponent's death or withdrawal. In such an event, the filing of a statement of primary-day finances or year-end finances and the disposing of any excess funds as required under Section 9.2 of this Ordinance satisfies the candidate's obligation to file such a statement for that election period.

Section 6.5: Prohibitions

(A) No campaign committee shall fail to file a personal funds notice as required under division (A) or (B) of Section 6.3 of this Ordinance.

(B) No campaign committee shall accept any contribution in excess of the contribution limitations prescribed in Articles 3 and 4 of this Ordinance:

(i) Unless a declaration of no limits has been filed under division Section 6.4 of this Ordinance;

(ii) In violation of division (D) of Section 6.4 of this Ordinance once the candidate who filed a personal funds notice under division (D) of Section 6.3 of this Ordinance fails to file a declaration of candidacy or nominating petition or that candidate dies or withdraws.

(C) No campaign committee that violates division (A) of this Section shall expend any personal funds in excess of the amount specified in division (A) or (B) of Section 6.3 of this Ordinance, whichever is appropriate to the committee.

(D) The candidate of any campaign committee that violates this Section shall forfeit the candidate's nomination, if the candidate was nominated, or the office to which the candidate was elected, if the candidate was elected to office.

Article 7: Additional Contributions for Unpaid Debt

(A) Whenever the campaign committee of a candidate has unpaid debt at the end of a primary election period or at the end of a general election period, the committee may accept additional contributions during the immediately following election period up to the applicable limitation prescribed under this Ordinance from any individual, political action committee, political contributing entity, or other campaign committee who, during the primary or general election period for which debt remains unpaid, has contributed less than the contribution limitations prescribed under this Ordinance applicable to that individual, political action committee, political contributing entity, or other campaign committee.

(B) Any additional contribution that a campaign committee accepts under this Article shall count toward the applicable limitations prescribed under this Ordinance for that primary or general election period at the end of which the debt remains unpaid, and shall not count toward the applicable limitations for any other primary or general election period if all of the following conditions apply:

(i) The campaign committee reports, on the statement required to be filed under division (A)(2) of Section 3517.10 of the Ohio Revised Code, all debt remaining unpaid at the end of the election period. The committee shall also file a separate statement, on a form prescribed by the Board of Elections, at the same time that the committee is required to file a statement of contributions and expenditures under Section 3517.10 of the Revised Code. The separate statement shall include the name and address of each contributor who makes an additional contribution under this Article, how the contribution was applied to pay the unpaid debt as required by this Article, and the balance of the unpaid debt after each contribution was applied to it.

(ii) The additional contributions are accepted only during the primary or general election period, whichever is applicable, immediately following the election period covered in the statement filed under division (B)(i) of this Article.

(iii) All additional contributions made under this Article are used by the campaign committee that receives them only to pay the debt of the committee reported under division (B)(i) of this Article.

(iv) The campaign committee maintains a separate account for all additional contributions made under this Section and uses moneys in that account only to pay the unpaid debt reported under division (B)(i) of this Article and to administer the account.

(v) The campaign committee stops accepting additional contributions after funds sufficient to repay the unpaid debt reported under this Article have been raised and promptly disposes of any contributions received that exceed the amount of the unpaid debt by returning the excess contributions to the contributors or by giving the excess contributions to an organization that is exempt from federal income taxation under subsection 501(A) and described in subsection 501(c)(3), (4), (8), (10), or (19) of the Internal Revenue Code.

**Article 8: Disposal of Any Excess Funds and Excess Aggregate Contributions
(without filing of “no limits” declaration)**

Section 8.1: Definitions Specific to This Article

The following definitions apply only to this Article:

(A) *Aggregate Contribution* – The total of all contributions from a contributor during the pre-filing period.

(B) *Allowable Aggregate Contribution* – Includes all of the following:

(i) In the case of a contribution from a contributor whose contributions are subject to the contribution limits described in this Ordinance, that portion of the amount of the contributor’s aggregate contribution that does not exceed the preprimary contribution limit applicable to that contributor.

(ii) In the case of a contribution or contributions from a contributor whose contributions are not subject to the contribution limits in this Ordinance, the portion of the aggregate contribution that was received as in-kind services.

(C) *Applicable Carry-In Limit* – Thirty-five thousand dollars (\$35,000) if the candidate is a candidate for County Council, and two hundred thousand dollars (\$200,000) if the candidate is a candidate for Executive or Prosecutor.

(D) *Campaign Asset* – Prepaid, purchased, or donated assets available to the candidate on the date of the filing deadline for the office the candidate is seeking that will be consumed or depleted in the course of the candidate’s election campaign, including, but not limited to, postage, prepaid rent for campaign headquarters, prepaid radio, television, and newspaper advertising, and other prepaid consulting and personal services.

(E) *Covered Candidate* – Includes both of the following:

(i) A candidate who, during the pre-filing period, accepts or has a campaign committee that accepts contributions on the candidate’s behalf for the purpose of nominating or electing the candidate to any office not subject to the contribution limits prescribed in this Ordinance; or

(ii) A person who, during the pre-filing period, accepts or has a campaign committee that accepts contributions on the person’s behalf prior to the person

deciding upon or announcing the office for which the person will become a candidate for nomination or election.

(F) *Excess Aggregate Contribution* – For each contributor, the amount by which that contributor’s aggregate contribution exceeds that contributor’s allowable aggregate contribution.

(G) *Excess Funds* – The amount by which the sum of the total cash on hand and total reported campaign assets exceeds permitted funds.

(H) *Filing Date* – The last date on which a candidacy petition may be filed for an office.

(I) *Permitted Funds* – The sum of the following:

- (i) The total of the allowable aggregate contribution of each contributor; and
- (ii) The applicable carry-in limit.

(J) *Pre-Filing Period* – The period of time ending on the day that the candidacy petitions are due for the County office for which the candidate has filed and beginning on the latest date of the following:

- (i) The first day of January of the year following the general election in which that County office was last on the ballot;
- (ii) The first day of January of the year following the general election in which the candidate was last a candidate for any office; or
- (iii) The first day of the month following the primary election in which the candidate was last a candidate for any office.

Section 8.2: Disposal of Any Excess Funds and Excess Aggregate Contributions

(A) Each candidate who files for County office, not later than the filing date for that office, shall dispose of any excess funds. Each covered candidate who files for County office, not later than the filing date for that office, shall dispose of any excess aggregate contributions.

(B) Any campaign committee that is required to dispose of excess funds or excess aggregate contributions under division (A) of this section shall dispose of that excess amount or amounts by doing any of the following:

- (i) Giving the amount to the treasurer of state for deposit into the state treasury to the credit of the Ohio elections commission fund created by division (I) of section 3517.152 of the Revised Code;
- (ii) Giving the amount to individuals who made contributions to that campaign committee as a refund of all or part of their contributions;

(iii) Giving the amount to a corporation that is exempt from federal income taxation under subsection 501(a) and described in subsection 501(c) of the Internal Revenue Code.

(C) Subject to division (D) of this Section, no candidate or covered candidate shall appear on the ballot, even if certified to appear on the ballot, unless the candidate's or covered candidate's campaign committee has disposed of excess funds, excess aggregate contributions, or both as required by divisions (A) and (B) of this section.

(D) If the excess aggregate contributions accepted by a covered candidate or a covered candidate's campaign committee aggregate a total of less than five thousand dollars from all contributors, that candidate shall not be prohibited from appearing on the ballot under division (C) of this Section.

(E) The campaign committee of each candidate required to dispose of excess funds under this Section shall file a report with the Board of Elections. The report shall be filed by the seventh day following the filing deadline for the office the candidate is seeking, shall indicate the amount of excess funds disposed of, and shall describe the manner in which the campaign committee disposed of the excess amount. In addition, the campaign committee of each covered candidate required to dispose of excess aggregate contributions under this section shall include in that report the source and amount of each excess aggregate contribution disposed of and shall describe the manner in which the campaign committee disposed of the excess amount.

(F) Each campaign committee of a candidate who has filed a declaration of candidacy or a nominating petition for a County office, not later than seven days after the filing date for the office the candidate is seeking, shall file a declaration of filing-day finances with the Board of Elections. A declaration of filing-day finances shall list all of the following:

(i) The amount of cash on hand in the candidate's campaign fund on the filing date for the office the candidate is seeking;

(ii) The value and description of all campaign assets worth five hundred dollars or more available to the candidate on the filing date. Assets purchased by the campaign shall be valued at actual cost, and in-kind contributions shall be valued at market value;

(iii) The total of all aggregate contributions;

(iv) The total of all allowable aggregate contributions; and

(v) The applicable carry-in limit, if any.

(G) In addition to the information required to be included in a report of filing-day finances filed under division (F) of this section, the campaign committee of each covered candidate shall include both of the following in that report:

(i) The total of all excess aggregate contributions; and

(ii) For each contributor, if any, for whom there is an excess aggregate contribution, the name, address, aggregate contribution, and excess aggregate contribution.

(H) A campaign committee of a candidate is not required to file a declaration of filing-day finances under division (F) of this section if all of the following apply:

(i) The campaign committee has not accepted, during the pre-filing period, any aggregate contribution greater than the applicable amount;

(ii) The campaign committee had less than the carry-in amount in cash on hand at the beginning of the pre-filing period; and

(iii) The candidate files a declaration with the Board of Elections not later than seven days after the filing date for the office that candidate is seeking, stating that the candidate's campaign committee has not accepted aggregate contributions as described in division (H)(i) of this section and has less than the carry-in amount in cash on hand as described in division (H)(ii) of this section.

Article 9: Disposal of Any Excess Funds and Excess Aggregate Contributions by Candidate Filing Declaration of No Limits or Personal Funds Notice

Section 9.1: Definitions Specific to This Article

The following definitions apply only to this Article:

(A) *Aggregate Contribution, Allowable Aggregate Contribution, Excess Aggregate Contribution, and Pre-Filing Period* – The same meanings as in Article 8 of this Ordinance.

(B) *Campaign Asset* - Prepaid, purchased, or donated assets, goods, or services available to the candidate's campaign committee on the date specified in the filing required under division (N) of this Section that will be consumed, depleted, or used in the course of the candidate's election campaign, including, but not limited to, postage, rent for any campaign office, radio, television, and newspaper advertising, and consulting and personal services.

(C) *Excess Funds* - The amount by which the sum of the campaign committee's cash on hand on the date specified in the filing required to be made under division (N) of this Section and total reported campaign assets exceeds permitted funds.

(D) *Filing Deadline* - The last date on which a candidacy petition may be filed for an office.

(E) *Net Cash on Hand* - The cash on hand on the day of the primary election less the sum of all debts and obligations reported under division (F) of this section.

(F) *Permitted Funds* – Includes one of the following:

(i) In the case of a disposal of excess funds under Section 9.2(A) of this Ordinance, the sum of the primary carry-in amount and the product of both of the following:

(1) The sum of the campaign committee’s net cash on hand and the campaign committee’s total reported campaign assets on the day of the primary election less the primary carry-in amount; and

(2) The ratio of the sum of the allowable aggregate contributions of each contributor to the sum of all contributions received, during the period extending from the first day on which, in accordance with Article 6 this Ordinance, the contribution limitations prescribed this Ordinance no longer apply to the campaign committee through the end of the primary election period.

For the purposes of division (F)(i) of this Section, the “allowable aggregate contribution” of each contributor is calculated as if the limitations on contributions prescribed in this Ordinance were in effect.

As used in division (F)(i) of this section, “primary carry-in amount” is the sum of the campaign committee’s cash on hand and reported campaign assets as reported on the campaign committee’s declaration of no limits filed pursuant to Section 6.4 of this Ordinance.

(ii) In the case of a disposal of excess funds under division (E) of this section, the product of both of the following:

(1) The sum of the cash on hand and reported campaign assets at the end of the thirty-first day of December immediately following the general election;

(2) The ratio of the sum of the allowable aggregate contributions of each contributor and the general carry-in amount to the sum of all contributions received during the general election period and the general carry-in amount.

For the purposes of division (F)(ii) of this section, when a candidate has filed a declaration of no limits under Section 6.4 of this Ordinance, the allowable aggregate contribution calculated for each contributor is calculated as if the limitations on contributions prescribed in this Ordinance were in effect.

As used in division (F)(ii) of this section, “general carry-in amount” is the sum of the campaign committee’s reported campaign assets and net cash on hand as of the day of the primary election, after the committee has disposed of excess funds under Section 9.2(A) of this Ordinance, if required.

Section 9.2: Disposal of Any Excess Funds and Excess Aggregate Contributions by Candidate Filing Declaration of No Limits or Personal Funds Notice

(A) Except as otherwise provided in division (O) of this section, the campaign committee of any candidate who has filed a declaration of no limits in accordance with Section 6.4 of this Ordinance and to which the contribution limitations prescribed in this Ordinance no longer apply during a primary election period, shall dispose of any excess funds not later than fourteen (14) days after the day on which the primary election was held.

(B) The campaign committee of any candidate that has filed a personal funds notice under Article 6 of this Ordinance shall, at the end of the primary election period, do one of the following:

(i) Return that portion of the personal funds remaining in the candidate's campaign committee fund at the end of the primary election period that are excess funds not later than fourteen days after the day on which the primary election was held; or

(ii) Retain the personal funds remaining in the candidate's campaign committee fund at the end of the primary election period and file a statement with the Board of Elections declaring that the campaign committee will retain those remaining personal funds in the committee's campaign fund and indicating the amount of remaining personal funds that would be characterized as excess funds.

(C) If a campaign committee elects to retain personal funds pursuant to division (B)(ii) of this Section, the amount characterized as excess funds is considered to be an expenditure of personal funds for the purpose of determining whether the amount of personal funds the campaign committee has received under divisions (A) and (B) of Section 6.3 of this Ordinance during an election period exceeds the amounts specified in those divisions.

(D) Except as otherwise provided in division (O) of this section, the campaign committee of any candidate that has expended personal funds in excess of the amount specified in Article 6 of this Ordinance shall dispose of any excess funds not later than fourteen (14) days after the day on which the primary election is held or the thirty-first day of December after the day on which the general election was held, whichever is applicable, or choose to retain personal funds under division (B) of this Section. The calculation of excess funds under this division shall be made in the same manner that a campaign committee is required to dispose of excess funds under division (A) or (E) of this Section, whichever election period is applicable. For the purposes of this division, the allowable aggregate contribution of each contributor, including one or more contributions from the candidate and from the candidate's spouse, parents, children, sons-in-law, daughters-in-law, brothers, sisters, grandparents, mothers-in-law, fathers-in-law, brothers-in-law, sisters-in-law, or grandparents by marriage, is calculated for that contributor as if the contribution limitations prescribed by this Ordinance were in effect.

(E) Except as otherwise provided in division (O) of this section, the campaign committee of any candidate to which, in accordance with Section 6.4 of this Ordinance, the

contribution limitations prescribed in this Ordinance no longer apply during a general election period, shall dispose of any excess funds not later than the thirty-first day of December after the day on which the general election was held.

(F) Notwithstanding Section 8.2 of this Ordinance, the amount of excess aggregate contributions required to be disposed of under that Section by a candidate whose contribution limitations have been reimposed pursuant to Section 6.4 of this Ordinance is limited to no more than the sum of the following:

(i) The difference between the sum of the cash on hand and reported campaign assets on the date of the declaration of candidacy filing deadline, date of death, or date of withdrawal, whichever is applicable, less the sum of the cash on hand and reported campaign assets reported on the campaign committee's declaration of no limits under Section 6.4 of this Ordinance;

(ii) The sum of the aggregate excess contributions of all contributors made from the beginning of the primary election period to the day immediately preceding the day on which contribution limitations prescribed in this Ordinance became inapplicable pursuant to division Section 6.4 of this Ordinance.

(G) Any campaign committee that is required to dispose of excess funds or excess aggregate contributions under this section shall dispose of the excess amount or amounts in accordance with division (B) of Section 8.2 of this Ordinance.

(H) Any candidate who knowingly fails to dispose of excess funds or excess aggregate contributions as required by this Section, except a candidate whose campaign committee has been given a letter of substantial compliance as provided for in division (I) of this section, shall not appear on the ballot, even if the candidate has been certified to appear on the ballot.

(I) The Board of Elections shall, after initially examining and reviewing any declaration provided for in division (N) of this Section and making a determination that a campaign committee has substantially complied with the disposal requirements of this Section, promptly issue to the candidate's campaign committee a letter certifying that committee's substantial compliance.

(J) The campaign committee of a candidate for Executive or Prosecutor has not substantially complied with the disposal requirements of this Section if, upon initial review of a declaration filed pursuant to division (N) of this Section, it is discovered that the candidate's campaign committee has failed to dispose of excess funds or excess aggregate contributions totaling in the aggregate more than ten thousand dollars (\$10,000).

(K) The campaign committee of a candidate for member of County Council has not substantially complied with the disposal requirements of this Section if, upon initial review of a declaration filed pursuant to division (N) of this Section, it is discovered that the candidate's campaign committee has failed to dispose of excess funds or excess

aggregate contributions totaling in the aggregate more than twenty-five hundred dollars (\$2,500).

(L) Any campaign committee that has received a letter indicating substantial compliance as provided for in division (I) of this section shall, within thirty days after receiving such a letter, fully comply with the disposal requirements of this Section.

(M) When the campaign committee of a candidate files a personal funds notice or a declaration of no limits in accordance with Section 6.4 of this Ordinance, the campaign committee of each such candidate shall file in the case of a primary election period a declaration of primary-day finances not later than fourteen (14) days after the day on which the primary election was held, or shall file in the case of a general election period a declaration of year-end finances not later than the last business day of January of the next calendar year immediately following the day on which the general election was held.

(N) The declaration of primary-day finances and declaration of year-end finances shall be filed with the Board of Elections and shall list all of the following:

(i) The amount of net cash on hand in the candidate's campaign committee fund at the end of the day on which the primary election was held or cash on hand on the thirty-first day of December immediately following the day on which the general election was held, whichever is appropriate;

(ii) In the case of a declaration of primary-day finances, any debt or other obligation incurred by the committee during the primary election period and related to the primary election of the campaign committee's candidate;

(iii) The value and description of all campaign assets worth five hundred dollars or more available to the candidate at the end of the day on which the primary election was held or on the thirty-first day of December immediately following the day on which the general election was held;

(iv) The total of all aggregate contributions received by the candidate's campaign committee during the primary or general election period;

(v) The total of all allowable aggregate contributions received by the candidate's campaign committee during the primary or general election period, whichever is applicable. The allowable aggregate contribution of each contributor shall be calculated as if the contribution limitations prescribed by this Ordinance were in effect; and

(vi) A description of all excess funds and excess aggregate contributions disposed of by the candidate's campaign committee in accordance with this Section for that election.

(O) The campaign committee of a candidate is not required to dispose of excess funds or excess aggregate contributions under this Section if both of the following apply:

- (i) The campaign committee has not accepted any aggregate contribution greater than the amount applicable under that division; and
- (ii) The campaign committee files a statement with the Board of Elections stating that the committee has not accepted aggregate contributions as described in division (O)(1) of this section.

Article 10: Contribution Limitations Adjustments

(A) In January of each odd-numbered year, the Board of Elections, in accordance with this division and division (B) of this section, shall adjust each dollar amount specified in this Ordinance. The adjustment shall be based on the yearly average of the previous two years of the Consumer Price Index for All Urban Consumers or its successive equivalent, as determined by the United States department of labor, bureau of labor statistics, or its successor in responsibility, for all items, Series A. Using the 2008 yearly average as the base year, the Board of Elections shall compare the most current average consumer price index with that determined in the preceding odd-numbered year, and shall determine the percentage increase or decrease. The percentage increase or decrease shall be multiplied by the actual dollar figure for each office or entity specified in this Ordinance as determined in the previous odd-numbered year, and the product shall be added to or subtracted from its corresponding actual dollar figure, as necessary, for that previous odd-numbered year. The resulting figure shall then be rounded up to the nearest \$500.

If the resulting amount is less than one hundred dollars for any calculation, the Board of Elections shall retain a record of the resulting amount and the manner in which it was calculated, but shall not make an adjustment unless the resulting amount, when added to the resulting amount calculated in each prior odd-numbered year since the last adjustment was made, equals or exceeds one hundred dollars.

(B) On or before the twenty-fifth day of February of each odd-numbered year, the Board of Elections shall prepare and publish a report setting forth the maximum contribution limitations under this Ordinance, and the maximum amounts, if any, of contributions permitted to be kept under this Ordinance. The Board of Elections shall base the adjustment on the most current consumer price index that is described in division (A) of this section and that is in effect as of the first day of January of each odd-numbered year. The report and all documents relating to the calculations contained in the report are public records. The report shall contain an indication of the period in which the limitations and the maximum contribution amounts apply, and a summary of how the limitations and the maximum contribution amounts were calculated, and a statement that the report and all related documents are available for inspection and copying at the Board of Elections main offices.

On or before the twenty-fifth day of February of each odd-numbered year, the Board of Elections shall transmit the report to the Executive, Prosecutor and each member of County Council. The Board of Elections shall send the report by mail to each person who files a declaration of candidacy or nominating petition with the Board of Elections for the office of Executive, Prosecutor, or a position on County Council. The report shall be mailed on or before the tenth day after the filing.

Article 11: Penalties

(A) Any individual who violates Section 3.1 of this Ordinance of the Revised Code and knows that the contribution the individual makes violates that division shall be fined an amount equal to three times the amount contributed in excess of the amount permitted by that division.

(B) Any political action committee that violates Section 3.2 of this Ordinance shall be fined an amount equal to three times the amount contributed in excess of the amount permitted by that division.

(C) Any campaign committee that violates Section 3.3 of this Ordinance shall be fined an amount equal to three times the amount contributed in excess of the amount permitted by that division.

(D) Any political contributing entity that violates Section 3.4 of this Ordinance shall be fined an amount equal to three times the amount contributed in excess of the amount permitted by that division.

(E) Notwithstanding divisions (A), (B), (C) and (D) of this Section, no violation of Article 3 of this Ordinance occurs if the amount transferred or contributed in excess of the amount permitted by that division meets either of the following conditions:

- (i) It is completely refunded within five (5) business days after it is accepted; or
- (ii) It is completely refunded on or before the tenth business day after notification to the recipient of the excess transfer or contribution by the Board of Elections that a transfer or contribution in excess of the permitted amount has been received.

(F) Any campaign committee, county political party, or state political party that violates Article of this Ordinance shall be fined an amount equal to three times the amount accepted in excess of the amount permitted by that division.

(G) Notwithstanding division (F) of this Section, no violation of Article 4 of this Ordinance occurs, if the amount transferred or contributed in excess of the amount permitted to be accepted by that division meets either of the following conditions:

- (i) It is completely refunded within five business days after its acceptance;
- (ii) It is completely refunded on or before the tenth business day after notification to the recipient of the excess transfer or contribution by the Board of Elections that a transfer or contribution in excess of the permitted amount has been received.

(H) Any campaign committee that accepts a contribution or contributions in violation of Article 7 of this Ordinance, uses a contribution in violation of that Article, or fails to

dispose of excess contributions in violation of that Article shall be fined an amount equal to three times the amount accepted, used, or kept in violation of that Article.

(I) A campaign committee that is required to file a declaration of no limits under Section 6.4 of this Ordinance that, before filing that declaration, accepts a contribution or contributions that exceed the limitations prescribed in this Ordinance, shall return that contribution or those contributions to the contributor.

(J) Any campaign committee that fails to dispose of excess funds or excess aggregate contributions under Articles 8 or 9 of this Ordinance in the manner prescribed by each respective Article shall give to the treasurer of state for deposit into the Ohio elections commission fund created under division (I) of section 3517.152 of the Revised Code all funds not disposed of pursuant to those divisions.

SECTION 2. 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:

First Reading/Referred to Committee: July 26, 2011

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

Journal _____
_____, 2011

County Council of Cuyahoga County, Ohio

Ordinance No. O2011-0032

Sponsored by: Councilmember Greenspan	An Ordinance establishing guidelines under which Council is to consider and approve subsidies to boards, commissions, agencies, corporations, and other entities or authorities over which the County Council does not have direct, immediate oversight of daily, operational management decisions.
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WHEREAS, Cuyahoga County issues levies and grants voluntary subsidies or other types of funding to boards, commissions, agencies, corporations, and other entities or authorities over which the County Council does not have direct, immediate supervision of operational, daily management decisions; and,

WHEREAS, it is necessary to establish mechanisms of fiscal accountability to ensure that any recipient of such subsidies or other funding spends such funds in a manner that lives up to the standards set by the County's citizens in reforming County government and to achieve the County's intended goals in granting the subsidy or other type of funding.

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

SECTION 1. In reviewing requests related to subsidies or any other type of funding to any board, commission, agency, corporation, or other entity or authority over which the County Council does not have direct, immediate supervision of operational, daily management decisions, the Council shall, to the extent permitted by law, do all of the following:

- a. The Council shall, on a case by case basis, assess and determine the need for the subsidy, funding, change of funding source, or any other similar request; and,
- b. If the Council determines to grant the request, the Council shall do the following:
 1. The Council shall, if it deems appropriate on a case by case basis, establish benchmarks for how the funding is to be used by the recipient of the funding; and,
 2. The Council shall, if it deems appropriate on a case by case basis, establish reporting requirements to the County by the recipient of the

