



**AGENDA**  
**CUYAHOGA COUNTY RULES, CHARTER REVIEW, ETHICS & COUNCIL OPERATIONS**  
**COMMITTEE MEETING**  
**TUESDAY, FEBRUARY 21, 2012**  
**CUYAHOGA COUNTY JUSTICE CENTER**  
**COUNCIL CHAMBERS – 1<sup>ST</sup> FLOOR**  
**10:00 AM**

- 1. CALL TO ORDER**
- 2. ROLL CALL**
- 3. PUBLIC COMMENT RELATED TO THE AGENDA**
- 4. APPROVAL OF MINUTES FROM THE JANUARY 10, 2012 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) O2011-0032: 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.
  - b) NEW BUSINESS**
    - 1) M2012-0004: A Motion amending various Rules of the Cuyahoga County Council; and declaring the necessity that this Motion become immediately effective.
    - 2) O2012-0003: An Ordinance establishing rules and procedures for operation of Charter Review Commissions in Cuyahoga County, pursuant to Article 12, Section 9, of the Cuyahoga County Charter.

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

**6. MISCELLANEOUS BUSINESS**

- a) Announcement of scheduled future meetings of the Committee

**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, JANUARY 10, 2012  
CUYAHOGA COUNTY JUSTICE CENTER  
COUNCIL CHAMBERS – 1<sup>ST</sup> FLOOR  
1:00 PM

1. CALL TO ORDER

**The meeting was called to order by Chairman Greenspan at 1:13 p.m.**

2. ROLL CALL

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

3. PUBLIC COMMENT RELATED TO THE AGENDA

**No public comments were given.**

4. APPROVAL OF MINUTES FROM THE NOVEMBER 29, 2011 MEETING

**A motion was made by Mr. Brady, seconded by Mr. Miller and approved by unanimous vote to approve the 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.

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

**Mr. Miller introduced a written amendment on the floor to replace Section 2 of Rule 9D of the Cuyahoga County Council Rules to read *“(2) Any legislation that is amended in committee following its most recent reading in Council shall be placed on second reading when returned to Council, even if it has been read in Council more than once previously.”***

**Mr. Ed Morales, Assistant Law Director, addressed the Committee regarding Motion No. M2011-0052. Discussion ensued.**

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

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

**Ms. Joanne Gross, Senior Policy Advisor for Council, addressed the Committee regarding Ordinance No. O2011-0031. Discussion ensued.**

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

- 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.

**Chairman Greenspan addressed the Committee regarding Ordinance No. O2011-0032. Discussion ensued.**

**Ms. Simon introduced a verbal amendment on the floor to replace Section 1 of Ordinance No. O2011-0032 to read *"SECTION 1. Council has the ability to exercise its discretion to restrict funding to County agencies and has the discretion not to fund that agency to the same level as it did the year prior if it did not abide by the restrictions imposed by Council."***

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

## **6. MISCELLANEOUS BUSINESS**

**Chairman Greenspan presented Ordinance No. O2012-0002 to the Committee for the purposes of discussion.**

**Mr. Matt Hawes, Deputy Inspector General, and Ms. Nailah Bird, Inspector General, addressed the Committee regarding Ordinance No. O2012-0002. Discussion ensued.**

**Mr. Miller addressed the Committee regarding draft rules for the Charter Review Commission.**

**Chairman Greenspan addressed the Committee regarding the Charter Amendment process. Discussion ensued.**

7. OTHER PUBLIC COMMENT

**Ms. Lynda Mayer, Chair of the TAG Workgroup for Ethics, addressed the Committee regarding issues of concern to her relating to Ordinance No. O2012-0002, an Ordinance amending the Cuyahoga County Code of Ethics.**

8. ADJOURNMENT

**With no further business to discuss and on a motion by Ms. Connally with a second by Ms. Simon, the meeting was adjourned at 2:32 p.m., without objection.**

# COUNTY COUNCIL OF CUYAHOGA COUNTY, OHIO

## MOTION NO. M2011-0052

Sponsored by: <b>Councilmember Greenspan</b>	<b>A Motion</b> 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 expecting 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. O2011-0032

Sponsored by: <b>Councilmember Greenspan</b>	<b>An Ordinance</b> 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

funding on how the funds are used in accordance with the benchmarks established by Council; and,

- 3. The Council shall, if it deems appropriate on a case by case basis, establish penalties, including potential loss of funding by the recipient, for a recipient’s failure to use the funds in accordance with the benchmarks established by Council. Council may, within its discretion, grant waivers from such penalties if it determines that good cause existed for the deviation from the benchmarks established by Council in approving the request for subsidy or other funding.

**SECTION 2.** It is found and determined that all formal actions of this Council relating to the adoption of this Ordinance were adopted in an open meeting of the Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

On a motion by \_\_\_\_\_, seconded by \_\_\_\_\_, the foregoing Ordinance was duly enacted.

Yeas:

Nays:

_____	_____
County Council President	Date
_____	_____
County Executive	Date
_____	_____
Clerk of Council	Date

First Reading/Referred to Committee: July 26, 2011  
Committee(s) Assigned: Finance & Budgeting and Rules, Charter Review, Ethics & Council Operations

Journal \_\_\_\_\_  
\_\_\_\_\_, 2011

# COUNTY COUNCIL OF CUYAHOGA COUNTY, OHIO

## MOTION NO. M2012-0004

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

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

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

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

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

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

**Rule 6B: Scheduling of Executive Sessions**

**The Clerk may place any item of business expected to require an Executive Session on the agenda at the end of the meeting, immediately following the second round of public comment.**

Rule ~~6B~~C: 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 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 w~~ Whenever the a Member has a personal or monetary interest in any manner under consideration or when believes that voting on the matter could for any reason constitute a violation of state or county ethics law,—the Member shall briefly describe the potential conflict and request a recommendation regarding recusal. The Presiding Officer shall, with the assistance of the Law Director or his/her representative at the meeting, make a recommendation to assist the Member in deciding whether or not to recuse him/herself.

### Rule 11F: Expiration of Pending Legislation

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

### Rule 12I: President to Appoint Committees

Not later than the second Regular Council Meeting following each Organizational 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.

**SECTION 2. Effective Date.** Provided that this motion receives the affirmative vote of at least eight (8) of the members of Council, it shall take effect immediately upon adoption by Council. It is hereby determined to be necessary that this motion become immediately effective in order that the County Council continue to have

operating rules in place without interruption, and so that the usual and daily operations of county government may continue to function.

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

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

Yeas:

Nays:

\_\_\_\_\_  
County Council President

\_\_\_\_\_  
Date

\_\_\_\_\_  
Clerk of Council

\_\_\_\_\_  
Date

First Reading/Referred to Committee: February 14, 2012

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

Journal \_\_\_\_\_  
\_\_\_\_\_, 2012

# County Council of Cuyahoga County, Ohio

## Ordinance No. O2012-0003

Sponsored by: <b>Councilmembers Miller, Conwell and Greenspan</b>	<b>An Ordinance</b> establishing rules and procedures for operation of Charter Review Commissions in Cuyahoga County, pursuant to Article 12, Section 9, of the Cuyahoga County Charter.
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WHEREAS, Article 12, Section 9, of the Cuyahoga County Charter states that Cuyahoga County shall periodically create Charter Review Commissions, with the first one commencing in September, 2012, and that the County Council shall "establish rules and procedures for the operation of the Charter Review Commission;" and

WHEREAS, charter review will be most effective if the rules and procedures for the operation of Charter Review Commissions provide for a full review of all sections of the Cuyahoga County Charter, using a process that facilitates extensive public participation.

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

**SECTION 1.** Pursuant to Article 12, Section 9, of the Cuyahoga County Charter, the rules and procedures for the operation of Charter Review Commissions in Cuyahoga County are established as follows:

### **RULES AND PROCEDURES**

#### **OF**

### **THE CUYAHOGA COUNTY CHARTER REVIEW COMMISSION**

#### **ARTICLE 1: STAFF SUPPORT**

##### **Rule 1A: Designation of Clerk**

No later than September 15th of each year in which a Charter Review Commission is appointed, the County Executive shall designate a County employee to serve as Clerk to the Charter Review Commission.

## Rule 1B: Duties of the Clerk

The duties of the Clerk of the Charter Review Commission shall be as follows:

1. Attend all meetings of the Charter Review Commission and its committees, determine quorums, keep minutes of all meetings and record the votes of each member;
2. Assist the Chairperson in the preparation of the Agenda for Commission Meetings;
3. Provide required notices of meetings;
4. Ensure that a page is created and maintained on the County's website for the Charter Review Commission, which shall include the notice and agenda of each meeting of the Commission or any of its committees, the minutes of all meetings of the Commission and its committees, a copy of all proposed Charter amendments, draft reports and final reports of the Commission and its committees; a copy of these rules, and any other items that the Chairperson, the Clerk, or the Commission deem appropriate;
5. Serve as the Public Records Manager for the Commission until the Commission completes its work;
6. Transmit the final report of the Charter Review Commission to the County Council;
7. Perform any other duties that are prescribed in these rules or that the Chairperson or the Commission determines are necessary for the performance of the Commission's duties.

## Rule 1C: Additional Staff Services

The County Executive shall provide the Charter Review Commission sufficient additional staff services needed to effectively perform its duties, including, but not limited to working space, office supplies, and information technology support. In the absence of the Clerk, the County Executive shall designate a Clerk Pro-Tem to perform the duties of the Clerk.

## ARTICLE 2: ORGANIZATION; OFFICERS

### Rule 2A: Vacancy

If a resignation or vacancy occurs within the Commission, a new appointment shall be made and confirmed as soon as is practical, using the appointment process provided for in Article 12, Section 9, of the Cuyahoga County Charter.

#### Rule 2B: Officers of the Commission; Terms

The officers of the Charter Review Commission shall consist of the Chairperson and Vice Chairperson, who shall serve terms equal to the duration of the current Charter Review Commission.

#### Rule 2C: Organizational Meeting

No later than October 15th of each year in which a Charter Review Commission is appointed, the Clerk shall call an Organizational Meeting of the Charter Review Commission, at which time the Commission shall elect one of its members as Chairperson and one other member as Vice Chairperson. The Commission may, by parliamentary motion, add additional items to the agenda for the Organizational Meeting.

#### Rule 2D: Clerk's Role at Organizational Meeting

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

#### Rule 2E: Election of Officers

The Chairperson and Vice Chairperson shall be elected at the Organizational Meeting. The election for Chairperson shall take place first, followed by the election for Vice Chairperson. A minimum of five (5) votes shall be required for election to either position.

#### Rule 2F: Duties of the Chairperson of the Charter Review Commission

The Chairperson shall preside at all meetings of the Commission, appoint the officers and members of all committees, set the agenda for meetings of the Commission, design and implement the public participation process, and perform all other duties, consistent with the Cuyahoga County Charter and these rules, that are necessary to lead the Commission in completing its duties.

#### Rule 2G: Duties of the Vice Chairperson of the Charter Review Commission

The Vice-Chairperson shall preside in the absence or disability of the Chairperson at all meetings of the Charter Review Commission, shall perform all the duties of the Chairperson during such absence or disability, and shall perform all other duties, consistent with the Cuyahoga County Charter and these rules, that are necessary to assist the Chairperson in the performance of his/her duties.

#### Rule 2H: Officer Vacancy

If a vacancy occurs in the office of Chairperson, the Vice-Chairperson shall become Chairperson. If a vacancy occurs in the office of Vice-Chairperson, either by succession to Chairperson or for any other reason, the Chairperson shall conduct an election for Vice-Chairperson at the next meeting of the Commission, using the procedure set forth in Rule 2E.

#### Rule 2I: Absence or Disability of Chairperson and Vice-Chairperson

In the absence or disability of both the President and the Vice-President, the Clerk shall conduct an election for Chairperson Pre-Tem, using the procedure set forth in Rule 3D, except that a majority of those voting shall be sufficient for election.

#### Rule 2J: Commission Officers Entitled to Vote

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

### ARTICLE 3: QUORUM

#### Rule 3A: Quorum Defined

A quorum of the Charter Review Commission shall consist of five (5) members, and a quorum of a committee shall consist of a majority of its members.

#### Rule 3B: Clerk to Determine Quorum

The Clerk shall determine the presence of a quorum by roll call at the beginning of each meeting of the Commission or a committee, shall announce when a quorum is present, and shall keep a record of members present.

#### Rule 3C: Absence of Quorum

Whenever a quorum is not present, the Commission or a committee may not conduct any business until a quorum is restored, except to adjourn, to adjourn to a future date and time, or take any other action permitted in the absence of a quorum, as provided in Robert's Rules of Order, Newly Revised.

### ARTICLE 4: MEETINGS

#### Rule 4A: Commission to Meet at Least Monthly

The Commission shall meet at least once every calendar month until its final report is presented to County Council.

#### Rule 4B: Regular Meetings

Prior to the conclusion of the Organizational Meeting and each Regular Meeting, the Chairperson shall announce the date, place, and time of the next Regular Meeting of the Commission, providing at least seven (7) days' notice. As soon as is practical after this announcement is made, the Clerk shall post the same information regarding the meeting on the Commission's webpage and disseminate it to the local news media, and the Clerk of County Council shall post it on the County Council's webpage. The agenda for the meeting shall be included in the original posting, if available, but may be posted and disseminated later, provided that at least twenty-four (24) hours' notice is given.

#### Rule 4C: Change in Time or Place of Regular Meeting

If compelling circumstances require such action, the Chairperson may change the date, time, and/or place of any Regular Meeting, provided that at least three (3) days' notice is given, using the same notification processes provided for in Rule 4B.

#### Rule 4D: Special Meeting

The Chairperson or any four (4) members of the Commission may call a Special Meeting of the Commission, provided that the date, place, time, and agenda of the meeting are posted and disseminated as provided for in Rule 4B with at least three (3) days' notice. Only items on the agenda may be discussed at a Special Meeting.

#### Rule 4E: Notice Required for Meeting to be Continued at a Later Time

The Commission may adjourn any meeting of the Commission to a designated day, time, and place. Notice of the day, time, and place at which the meeting is to be continued shall be given to all members and posted and disseminated as provided for in Rule 4B with at least three (3) days' notice, unless the meeting is to be continued at a time sooner than three (3) days, in which case notice shall be given as soon as is practical after the announcement.

#### Rule 4F: Agenda for Commission Meetings

The Chairperson, with the assistance of the Clerk, shall set the agenda for all meetings of the Commission.

#### Rule 4G: Digital Record

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

### ARTICLE 5: ORDER OF BUSINESS

## Rule 5A: Order of Business

The Commission may use the following as the regular order of business for Commission meetings or may adopt its own:

1. Call to Order
2. Roll Call
3. Public Comment
4. Approval of Minutes
5. Introduction of Proposed Charter Amendments
6. Committee Reports
7. Old Business
8. New Business
9. Announcements & Miscellaneous Business
10. Adjourn

## ARTICLE 6: COMMISSION WORK PRODUCT

### Rule 6A: Final Report; Deadline for Submission

The final report of the Commission shall include all proposed amendments to the Cuyahoga County Charter, a discussion of the rationale for the proposed amendments, and a summary of the Commission's activities, and may include procedural recommendations relating to matters such as the timing of submission of proposed amendments. The final report shall be submitted to County Council as a single document no later than the first day of July following appointment of the Commission.

### Rule 6B: Form of Submission of Proposed Charter Amendments

Proposed amendments to the County Charter shall relate only to one subject, but may affect more than one section of the Charter. All proposed amendments shall be submitted in the following form:

1. General subject of the amendment
2. Section(s) of the County Charter affected
3. Current language of sections affected
4. Intended effect and rationale of amendment
5. Exact language of the amendment, showing what language, if any, is to be deleted and what language, if any, is to be added.

### Rule 6C: Vote Required for Approval of Charter Amendments

A proposed amendment must be voted upon separately and receive the affirmative vote of at least five (5) members of the Commission to be included in the main body of the final report.



#### Rule 6D: Minority Reports

The final report shall provide an appendix of minority reports, presenting proposed Charter amendments supported by less than a majority of the Commission. A proposed Charter amendment not approved to be included in the main body of the report shall be included in the appendix for minority reports if any two or more members sign a statement supporting the amendment and requesting its inclusion as a minority report. The supporters of a minority report may include a brief discussion of the rationale for the proposed amendment. The discussion may be edited for accuracy by the full Commission.

#### Rule 6E: Issues Related to Indigent Defense and the Public Defender to be Considered

In accordance with Article 12, Section 9 of the County Charter, the Commission shall include in its deliberations consideration of changes in this Charter for the purpose of providing more effective representation of indigent defendants, for adequate funding and support for the operation of the Office of the County Public Defender, and for the appropriate method for selection of the County Public Defender. The Commission shall include a report on these deliberations within the summary of the Commission's activities in the final report.

### ARTICLE 7: PARLIAMENTARY PROCEDURE

#### Rule 7A: Procedural Rules Apply to Commission and its Committees

The procedural rules provided for in this article apply both to the Commission and to any of its committees, unless otherwise specified.

#### Rule 7B: Parliamentary Procedure Manual

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

#### Rule 7C: Chairperson to Direct Meetings

All discussion in the Commission and any of its committees shall go through the Chairperson of the Commission or of the committee, respectively. The Chairperson shall control the order of speakers and shall put motions offered by members before the Commission or the committee for consideration and action.

#### Rule 7D: Parliamentary Motions

Parliamentary motions shall be used as provided in Rules 9E, 9F, 9G, and 9I of the Rules of Cuyahoga County Council.

#### Rule 7E: Vote Required for Approval

A motion to approve the Commission's final report, a proposed committee report, or a proposed amendment to the County Charter shall require a minimum of five (5) votes in the full Commission and a majority of all members of a committee. All other motions shall require a majority of those present and voting, provided that a quorum is present, unless otherwise specified in these rules.

#### Rule 7F: Voting Procedure

A motion to approve the Commission's final report, a committee's report, or a proposed amendment to the County Charter shall be done by roll call vote. Voting on all other matters may be done by voice vote, but the Chairperson shall insure that the Clerk is able to record the vote of every member on all matters.

#### Rule 7G: Amendments

All proposed amendments to a proposed charter amendment or a Commission or committee report shall be in written form, except that the Chairperson of the Commission or a committee may accept a verbal amendment that is clear, unambiguous, and may be presented in a single sentence or a few words. An amendment to a proposed charter amendment that is approved in committee does not need to be approved again by the full Commission.

#### Rule 7H: Duty to Vote; Recusal

Members shall vote on every question in the Commission or in committee, except when 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 matter under consideration or when voting on the matter could for any reason violate state or county ethics law.

#### Rule 7I: Change of Vote

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

### ARTICLE 8: COMMITTEES

#### Rule 8A: Committee Structure

The Commission shall create four (4) committees of three (3) or more members each as follows:

1. Governmental, covering the Preamble and Articles 1 through 3 of the County Charter.
2. Administrative/Judicial, covering Articles 4 through 6 of the County Charter
3. Policy, covering Articles 7 through 10 of the County Charter
4. General Provisions, covering Articles 11 through 13 and the Appendix of the County Charter

The Administrative/Judicial Committee shall also consider issues related to indigent defense and the selection of the Public Defender and adequate support and funding for the operation of the office of the Public Defender.

Proposals to create new Articles in the County Charter shall be considered in whichever committee most closely covers the subject(s) of the proposed new Articles, as determined by the Chairperson.

The Commission may amend the above committee structure as provided in Rule 10A, except that confirmation by County Council is not required.

**Rule 8B: Chairperson of the Commission to Appoint Officers and Members of Committees**

No later than two (2) weeks after the Organizational Meeting, the Chairperson of the Commission shall appoint the Chairperson, Vice-Chairperson, and members of each committee.

**Rule 8C: Committee Work Product**

The Work Product of each committee shall consist of a single document, providing a draft of the Commission's final report pertaining to the sections of the County Charter under the committee's jurisdiction, prepared in the form provided for in Article 6 of these rules. To be included in the main body of the committee's report, a proposed charter amendment must be voted upon separately by the committee and receive the affirmative vote of a majority of all members of the committee.

**Rule 8D: Deadline for Submission of Committee Reports**

Each committee shall submit its report to the Commission at a meeting of the Commission held no later than the first day of April following formation of the Charter Review Commission.

**Rule 8E: 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, only members appointed to a committee may offer motions or vote on questions before that committee.

#### Rule 8F: Public Notice of Committee Meetings

Rules 4B through 4F shall also apply to committee meetings, except that the minimum notice for regular committee meetings shall be three (3) days, and the Chairperson of each committee shall set the committee's agenda and have the sole authority to call a special meeting of the committee.

#### Rule 8G: Work Sessions

The Commission or a committee may conduct work sessions, following the process provided for in Rule 13 of the Rules of Cuyahoga County Council.

### ARTICLE 9: OPEN MEETINGS PROCEDURE

#### Rule 9A: Open Meetings, Public Comment

All meetings of the Commission or any of its committees shall be open to the public, be conducted only after prior public notice, include time for public comment, and comply with all other provisions of Article 12, Section 5 of the County Charter, County Ordinance 2011-0013, and Ohio Revised Code Section 121.22 regarding the open public meetings.

#### Rule 9B: Minutes

The Clerk shall keep minutes of all meetings of the Commission and any of its committees and shall post the draft minutes on the Commission's webpage, subject to Commission or committee approval, as soon as is practical following each meeting, but in no case later than seven (7) days after the meeting. The Commission and each committee shall consider at each meeting the question of the approval of minutes from the previous meeting.

#### Rule 9C: Availability of Public Records

All records of the Commission or any of its committees that relate to public business shall be available to the public as public records as required in Article 12, Section 6 of the County Charter, County Ordinance 2011-0012, and Ohio Revised Code Section 149.43. The Clerk shall serve as Public Records Manager for the duration of the Commission, after which the Clerk of County Council shall perform this role.

#### Rule 9D: Filming, Taping, and Recording

Any person may film, tape, or record any meeting of the Commission or any of its committees, provided that the filming, taping, or recording is done in a manner that does not significantly interfere with the conduct of the meeting. Anyone who wishes to film, tape, or record any meeting of the Commission or any of its committees is requested to register in advance with the Clerk on a form to be provided for this purpose. The Clerk

shall set up a process for those who wish to film, tape, or record on a regular basis to provide a single registration, which shall be effective for the duration of the Commission.

#### Rule 9E: Decorum

The Chairperson, with the approval of the Commission, may establish rules to insure decorum at meetings, including but not limited to rules relating to the respectful presence of the public and the use of audible communication devices.

#### Rule 9F: Public Participation Process

Not later than the 15th day of November following formation of the Charter Review Commission, the Chairperson shall prepare and begin implementation of a comprehensive public participation plan, including, but not limited to the following:

1. Public hearings held at various locations throughout the county, conducted as part of both the committee phase and the full Commission's consideration of the committee reports;
2. Widest possible dissemination of proposed Charter amendments and draft reports in both written and electronic form combined with processes for receiving public input concerning them; and
3. Regularly updated availability on the Commission's webpage of the current form of all proposed Charter amendments and draft Commission and committee reports.

#### Rule 9G: Charter Amendment Proposals to be Available on Website

The Clerk shall ensure that the Commission's page on the County's website contains all proposed Charter amendments that have been submitted to the Commission. A proposed amendment shall be in the form provided for in Rule 6B to be included on the website. If a proposed amendment is substantively changed, both the original and revised versions shall be included.

Proposed Charter amendments may be submitted to the Commission by any member of the Commission at any Commission meeting or at any committee meeting which covers the subject of the proposed amendment.

Proposed amendments may also be submitted to the Commission by any member of the public by letter to the Clerk or by presentation at any meeting of the Commission or of the committee which covers the subject of the proposed amendment.

### ARTICLE 10: AMENDMENT, SUSPENSION, AND CONTINUITY OF RULES

#### Rule 10A: Amendment of Rules

Except as provided in Rule 8A, these rules may be amended with the approval of five (5) or more members of the Commission and confirmation by majority vote of County Council. A proposed amendment to these rules may be voted on at the same meeting of the Commission at which it is introduced only if the text of the proposed amendment is included in the published agenda for the meeting. As soon as is practical following approval of a proposed rules amendment by the Commission, the Clerk shall notify the Clerk of County Council by letter of the amendment. The notification may be in electronic format. If County Council does not act on the proposed amendment within fourteen (14) days after the Clerk of County Council is notified of the amendment approved by the Commission, then the amendment shall be deemed confirmed.

**Rule 10B: Suspension of Rules**

Any of these rules may be suspended by a vote of 2/3 of those present and voting at the applicable meeting of the Commission or any of its committees, provided that a quorum is present, and that the action taken is in compliance with the Constitution and general law of the State of Ohio and the Charter, ordinances, and resolutions of Cuyahoga County.

**SECTION 2.** Any amendment to the Rules and Procedures of the Charter Review Commission adopted according to Rules 8A and or 10A shall apply only to the Charter Commission in existence when the amendment was adopted.

**SECTION 3.** It is found and determined that all formal actions of this County Council meeting relating to the adoption of this resolution were adopted in an open meeting of the County Council and that all deliberations of this County Council and any of its committees that resulted in such formal actions took place in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

On a motion by \_\_\_\_\_, seconded by \_\_\_\_\_, the foregoing Ordinance was duly enacted.

Yeas:

Nays:

\_\_\_\_\_  
County Council President

\_\_\_\_\_  
Date

\_\_\_\_\_  
County Executive

\_\_\_\_\_  
Date

\_\_\_\_\_  
Clerk of Council

\_\_\_\_\_  
Date

First Reading/Referred to Committee: February 14, 2012

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

Journal \_\_\_\_\_  
\_\_\_\_\_, 2012

# County Council of Cuyahoga County, Ohio

## Ordinance No. O2012-0004

Sponsored by: <b>Councilmember Greenspan</b>	<b>An Ordinance</b> amending the Cuyahoga County Code of Ethics, as amended, and declaring the necessity that this Ordinance become immediately effective.
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WHEREAS, the Cuyahoga County Council enacted a permanent Code of Ethics in Ordinance No. O2011-0008, which was signed by the Cuyahoga County Executive and went into effect on April 8, 2011, and was amended by Ordinance No. O2011-0023 effective April 26, 2011, by Ordinance No. O2011-0035 effective July 26, 2011, by Ordinance No. O2011-0052 effective October 25, 2011, and by Ordinance No. O2012-0002 effective January 10, 2012; and,

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

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

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

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

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

**SECTION 3.** It is found and determined that all formal actions of this Council relating to the adoption of this Ordinance were adopted in an open meeting of the Council, and that all deliberations of this Council and of any of its committees that



resulted in such formal action were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

On a motion by \_\_\_\_\_, seconded by \_\_\_\_\_, the foregoing Ordinance was duly enacted.

Yeas:

Nays:

\_\_\_\_\_  
County Council President

\_\_\_\_\_  
Date

\_\_\_\_\_  
County Executive

\_\_\_\_\_  
Date

\_\_\_\_\_  
Clerk of Council

\_\_\_\_\_  
Date

First Reading/Referred to Committee: February 14, 2012

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

Journal \_\_\_\_\_  
\_\_\_\_\_, 2012

# Cuyahoga County Ethics Ordinance



## Cuyahoga County Council

Rules, Charter Review, Ethics and Council Operations Committee

Dave Greenspan, Chair

Dale Miller, Vice Chair

C. Ellen Connally

Sunny Simon

Dan Brady

Adopted: April 8, 2011

Amended: April 26, 2011

Amended: July 26, 2011

Amended: October 25, 2011

Amended: January 10, 2012

**Amended: \_\_\_\_\_, 2012**

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## **ARTICLE I: PURPOSE AND OVERVIEW OF ORDINANCE**

### *Section 1. Purpose*

This Ordinance, including the definitions, is adopted to:

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

### *Section 2. Overview*

The Cuyahoga County Ethics Ordinance contains three components.

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

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

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

### *Section 1. Definitions*

#### *OHIO REVISED CODE (ORC) 102.01*

As used in this Ordinance:

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

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

## PROHIBITED CONDUCT - GENERAL

### *Section 2. Misuse of Official Position*

#### *OHIO REVISED CODE (ORC) 102.03 (A)*

- (1) No present or former Public Official or Employee shall, during public employment or service or for twelve months thereafter, represent a client or act in a representative capacity for any person on any matter in which the Public Official or Employee personally participated as a Public Official or Employee through decision, approval, disapproval, recommendation, the rendering of advice, investigation, or other substantial exercise of administrative discretion.
- (2) This Ohio Revised Code (ORC) section not applicable to County government.
- (3) For twenty-four months after the conclusion of employment or service, no former Public Official or Employee who personally participated as a Public Official or Employee through decision, approval, disapproval, recommendation, the rendering of advice, the development or adoption of solid waste management plans, investigation, inspection, or other substantial exercise of administrative discretion under Chapter 343. or 3734. of the Ohio Revised Code shall represent a person who is the owner or operator of a facility, as defined in section 3734.01 of the Ohio Revised Code, or who is an applicant for a permit or license for a facility under that chapter, on any matter in which the Public Official or Employee personally participated as a Public Official or Employee.
- (4) This Ohio Revised Code (ORC) section not applicable to County government.
- (5) As used in the Ohio Revised Code (ORC) 102.03 (A)(1) and (3), “matter” includes any case, proceeding, application, determination, issue, or question, but does not include the proposal, consideration, or enactment of statutes, rules, Ordinances, resolutions, or charter or constitutional amendments. As used in the Ohio Revised Code (ORC) 102.03 (A), “represent” includes any formal or informal appearance before, or any written or oral communication with, any public agency on behalf of any person.
- (6) Nothing contained in the Ohio Revised Code (ORC) 102.03 (A) shall prohibit, during such period, a former Public Official or Employee from being retained or employed to represent, assist, or act in a representative capacity for the public agency by which the



Public Official or Employee was employed or on which the Public Official or Employee served.

- (7) The Ohio Revised Code (ORC) 102.03 (A) shall not be construed to prohibit the performance of ministerial functions, including, but not limited to, the filing or amendment of tax returns, applications for permits and licenses, incorporation papers, and other similar documents.
- (8) This Ohio Revised Code (ORC) section not applicable to County government.

*Section 3. Misuse of Confidential Information*

*OHIO REVISED CODE (ORC) 102.03 (B)*

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

*Section 4. Rate Making*

*OHIO REVISED CODE (ORC) 102.03 (C)*

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

*Section 5. Securing “Anything of Value”*

*OHIO REVISED CODE (ORC) 102.03 (D)*

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

*Section 6. Soliciting or Accepting “Anything of Value”*

*OHIO REVISED CODE (ORC) 102.03 (E)*

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

*Section 7. Giving Gifts to Public Officials and Employees*

*OHIO REVISED CODE (ORC) 102.03 (F)*

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

*Section 8. Receiving Campaign Contributions*

*OHIO REVISED CODE (ORC) 102.03 (G)*

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

*Section 9. Receiving Honoraria*

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

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

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

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

- (H)(1) Except as provided in the Ohio Revised Code (ORC) 102.03 (D), (E), and (F) do not prohibit a Public Official or Employee who is required to file a financial disclosure statement under section 102.02 of the Ohio Revised Code (ORC) from accepting and do not prohibit a person from giving to that Public Official or Employee the payment of actual travel expenses, including any expenses incurred in connection with the travel for lodging, and meals, food, and beverages provided to the Public Official or Employee at a meeting at which the Public Official or Employee participates in a panel, seminar, or speaking engagement or provided to the Public Official or Employee at a meeting or convention of a national organization to which any County agency pays membership dues.
- (2) This Ohio Revised Code (ORC) section not applicable to County government.
- (I) A Public Official or Employee may accept travel, meals, and lodging or expenses or reimbursement of expenses for travel, meals, and lodging in connection with conferences, seminars, and similar events related to official duties if the travel, meals, and lodging, expenses, or reimbursement is not of such a character as to manifest a substantial and improper influence upon the Public Official or Employee with respect to that person's duties. This division does not preclude any person from seeking an advisory opinion from the appropriate ethics commission under section 102.08 of the Ohio Revised Code.

*Section 11. Membership in Tax Exempt Organization - Exemption*

*OHIO REVISED CODE (ORC) 102.03 (J)*

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

*OHIO REVISED CODE (ORC) 102.03 (K)*

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

*OHIO REVISED CODE (ORC) 102.03 (L)*

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

*OHIO REVISED CODE (ORC) 102.03 (M)*

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

*OHIO REVISED CODE (ORC) 102.031*

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

*OHIO REVISED CODE (ORC) 102.04 (A)*

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

*OHIO REVISED CODE (ORC) 102.04 (B)*

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

*Section 12. Representation and Influence Peddling*

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

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

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

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

*Section 13. Failure to Recuse*

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

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

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

*OHIO REVISED CODE (ORC) 102.05*

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

*OHIO REVISED CODE (ORC) 102.06*

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

*OHIO REVISED CODE (ORC) 102.07*

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

*OHIO REVISED CODE (ORC) 102.08*

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

*OHIO REVISED CODE (ORC) 102.09 (A)*

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

*OHIO REVISED CODE (ORC) 102.09 (B)*

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

*OHIO REVISED CODE (ORC) 102.09 (C)*

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

*Section 14. Acknowledgment of Copy of Law*

*OHIO REVISED CODE (ORC) 102.09(D)*

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

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

*Section 15. Penalties*

*OHIO REVISED CODE (ORC) 102.99*

- (A) Whoever violates division (C) of section 102.031 of the Ohio Revised Code is guilty of a misdemeanor of the fourth degree.
- (B) Whoever violates section 102.03 or 102.04 of the Ohio Revised Code is guilty of a misdemeanor of the first degree.

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

*Section 1. Definitions*

As used in this Ordinance:

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

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

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

**PROHIBITED CONDUCT – PUBLIC CONTRACTS**

*Section 1. Nepotism*

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

No Public Official shall knowingly:

Authorize, or employ the authority or influence of the Public Official's office to secure authorization of any public contract in which the Public Official, a

member of the Public Official's family, or any of the Public Official's business associates has an interest.

*Section 2. County Investments*

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

No Public Official shall knowingly:

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

*Section 3. Subsequent Employment*

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

No Public Official shall knowingly:

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

*Section 4. Profit or Gain from County Contracts*

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

No Public Official shall knowingly do any of the following:

- (4) Have an interest in the profits or benefits of a public contract entered into by or for the use of the political subdivision or governmental agency or instrumentality with which the Public Official is connected;
  
- (5) Have an interest in the profits or benefits of a public contract that is not let by competitive bidding if required by law and that involves more than one hundred fifty dollars.

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

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

In the absence of bribery or a purpose to defraud, a Public Official, member of a Public Official's family, or any of a Public Official's business associates shall not be



considered as having an interest in a public contract or the investment of public funds, if all of the following apply:

- (1) The interest of that person is limited to owning or controlling shares of the corporation, or being a creditor of the corporation or other organization, that is the contractor on the public contract involved, or that is the issuer of the security in which public funds are invested;
  - (2) The shares owned or controlled by that person do not exceed five per cent of the outstanding shares of the corporation, and the amount due that person as creditor does not exceed five per cent of the total indebtedness of the corporation or other organization;
  - (3) That person, prior to the time the public contract is entered into, files with the political subdivision or governmental agency or instrumentality involved, an affidavit giving that person's exact status in connection with the corporation or other organization.
- (C) This section does not apply to a public contract in which a Public Official, member of a Public Official's family, or one of a Public Official's business associates has an interest, when all of the following apply:
- (1) The subject of the public contract is necessary supplies or services for the political subdivision or governmental agency or instrumentality involved;
  - (2) The supplies or services are unobtainable elsewhere for the same or lower cost, or are being furnished to the political subdivision or governmental agency or instrumentality as part of a continuing course of dealing established prior to the Public Official's becoming associated with the political subdivision or governmental agency or instrumentality involved;
  - (3) The treatment accorded the political subdivision or governmental agency or instrumentality is either preferential to or the same as that accorded other customers or clients in similar transactions;
  - (4) The entire transaction is conducted at arm's length, with full knowledge by the political subdivision or governmental agency or instrumentality involved, of the interest of the Public Official, member of the Public Official's family, or business associate, and the Public Official takes no part in the deliberations or decision of the political subdivision or governmental agency or instrumentality with respect to the public contract.
- (D) The Ohio Revised Code (ORC) 2921.42(A)(4) does not prohibit participation by a public employee in any housing program funded by public moneys if the public employee otherwise qualifies for the program and does not use the authority or influence of the public employee's office or employment to secure benefits from the program and if the moneys are to be used on the primary residence of the public employee. Such participation does not constitute an unlawful interest in a public contract in violation of this section.

*Section 6. Penalties*

*OHIO REVISED CODE (ORC) 2921.42 (E)*

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

*OHIO REVISED CODE (ORC) 2921.42 (F)*

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

*OHIO REVISED CODE (ORC) 2921.42 (G)*

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

*Section 7. Voiding of Tainted Contracts or Investments*

*OHIO REVISED CODE (ORC) 2921.42 (H)*

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

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

**IMPROPER COMPENSATION**

*Section 1. Gratuities for Regular Duties and Internal Favors*

*OHIO REVISED CODE (ORC) 2921.43 (A)*

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

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

- (2) Additional or greater fees or costs than are allowed by law to perform the Public Servant's official duties.

*Section 2. Gratuities for Employment Favors*

*OHIO REVISED CODE (ORC) 2921.43 (B)*

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

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

*Section 3. Political Contributions made for Consideration*

*OHIO REVISED CODE (ORC) 2921.43 (C)*

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

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

*Section 4. Penalties*

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

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

*Section 5. Exemptions – Making or Receiving Voluntary Contributions*

*OHIO REVISED CODE (ORC) 2921.43(F)*

The Ohio Revised Code (ORC) 2921.43(A), (B), and (C) do not prohibit a person from making voluntary contributions to a political party, campaign committee,

legislative campaign fund, political action committee, or political contributing entity or prohibit a political party, campaign committee, legislative campaign fund, political action committee, or political contributing entity, from accepting voluntary contributions.

## **ARTICLE VI. OTHER OHIO REVISED CODE INCLUDED IN ORDINANCE**

### *Section 1. Abuse of political authority or influence*

#### *OHIO REVISED CODE (ORC) 124.61*

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

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

### *Section 2. Abuse of power for political reasons*

#### *OHIO REVISED CODE (ORC) 124.60*

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

### *Section 3. Payment for appointment or promotion*

#### *OHIO REVISED CODE (ORC) 124.59*

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

### *Section 4. Gratuities for Performance of Regular Duties*

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

- (A) Except as provided in OHIO REVISED CODE (ORC) 102.04 (D), no Public Official or Employee shall receive or agree to receive directly or indirectly compensation other than from the agency with which he serves for any

service rendered or to be rendered by him personally in any case, proceeding, application, or other matter that is before the County, excluding the courts.

- (B) Except as provided in OHIO REVISED CODE (ORC) 102.04 (D), no Public Official or Employee shall sell or agree to sell, except through competitive bidding, any goods or services to the County, excluding the courts.

*Section 5. Prohibited Political Activity*

*OHIO REVISED CODE (ORC) 124.57*

- (A) No Public Official in the classified service of the state, the several counties, cities, and city school districts of the state, or the civil service townships of the state shall directly or indirectly, orally or by letter, solicit or receive, or be in any manner concerned in soliciting or receiving, any assessment, subscription, or contribution for any political party or for any candidate for Public office; nor shall any person solicit directly or indirectly, orally or by letter, or be in any manner concerned in soliciting, any such assessment, contribution, or payment from any officer or employee in the classified service of the state, the several counties, cities, or city school districts of the state, or the civil service townships of the state; nor shall any officer or employee in the classified service of the state, the several counties, cities, and city school districts of the state, or the civil service townships of the state be an officer in any political organization or take part in politics other than to vote as the officer or employee pleases and to express freely political opinions.
- (B)
  - (1) Nothing in division (A) of this section prohibits an officer or employee described in that division from serving as a precinct election official under section 3501.22 of the Ohio Revised Code.
  - (2) Nothing in division (A) of this section prohibits an employee of the Ohio cooperative extension service whose position is transferred from the unclassified civil service to the classified civil service and who also holds the office of president of a city legislative authority from completing the existing term of office as president.

*Section 6. Prohibited Political Activity*

*OHIO ADMINISTRATIVE CODE - OAC123:1-46-02*

- (A) The purpose of this rule is to provide appointing authorities, personnel officers, and others with guidelines concerning political activity. Employees in the classified service are prohibited by section 124.57 of the Ohio Revised Code from engaging in political activity.
  - (1) “Classified service” means all persons in active pay status serving in the competitive classified civil service of the state, the counties, or the general health districts. Unless specifically exempted from the classified service in accordance with the Ohio Revised Code and these rules, an employee shall be considered to be in the classified service for purposes of this rule.

- (2) “Political activity” and “politics” refer to partisan activities, campaigns, and elections involving primaries, partisan ballots, or partisan candidates.
- (B) The following are examples of permissible activities for employees in the classified service:
- (1) Registration and voting;
  - (2) Expression of opinions, either oral or written;
  - (3) Voluntary financial contributions to political candidates or organizations;
  - (4) Circulation of nonpartisan petitions or petitions stating views on legislation;
  - (5) Attendance at political rallies;
  - (6) Signing nominating petitions in support of individuals;
  - (7) Display of political materials in the employee’s home or on the employee’s property;
  - (8) Wearing political badges or buttons, or the display of political stickers on private vehicles; and
  - (9) Serving as a precinct election official under section 3501.22 of the Ohio Revised Code.
- (C) The following activities are prohibited to employees in the classified service:
- (1) Candidacy for Public office in a partisan election;
  - (2) Candidacy for Public office in a nonpartisan general election if the nomination to candidacy was obtained in a partisan primary or through the circulation of nominating petitions identified with a political party;
  - (3) Filing of petitions meeting statutory requirements for partisan candidacy to elective office;
  - (4) Circulation of official nominating petitions for any candidate participating in a partisan election;
  - (5) Service in an elected or appointed office in any partisan political organization;
  - (6) Acceptance of a party-sponsored appointment to any office normally filled by partisan election;
  - (7) Campaigning by writing for Publications, by distributing political material, or by writing or making speeches on behalf of a candidate for partisan elective office, when such activities are directed toward party success;

- (8) Solicitation, either directly or indirectly, of any assessment, contribution or subscription, either monetary or in-kind, for any political party or political candidate;
  - (9) Solicitation of the sale, or actual sale, of political party tickets;
  - (10) Partisan activities at the election polls, such as solicitation of votes for other than nonpartisan candidates and nonpartisan issues;
  - (11) Service as, witness or challenger, for any party or partisan committee;
  - (12) Participation in political caucuses of a partisan nature; and
  - (13) Participation in a political action committee which supports partisan activity.
- (D) An employee in the classified service who engages in any of the activities listed in paragraphs (C)(1) to (C)(13) of this rule is subject to removal from his or her position in the classified service. The appointing authority may initiate such removal action in accordance with the procedures in section 124.34 of the Ohio Revised Code. The director may also institute an investigation or action in case of a violation.
- (E) Employees in the unclassified service, who serve at the pleasure of the appointing authority and are not subject to competitive examination, are not prohibited from engaging in political activity unless specifically precluded by federal or state constitutional or statutory provisions.
- (F) Service in an appointed or elected position is prohibited when such position is subordinate to or in any way a check upon a position concurrently occupied by a classified or unclassified employee, or when it is physically impossible for one person to discharge the duties of both positions, or if some specific constitutional or statutory bar exists prohibiting a person from serving both positions.
- (G) If any person holding Public office or employment is convicted of violating the Ohio Revised Code provisions prohibiting abuse of political influence, such office or position shall thereby be rendered vacant.

*Section 7. Whistleblower*

*OHIO REVISED CODE (ORC) 124.341(A)*

*Rights*

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

written report with the office of internal auditing created under section [126.45](#) of the Ohio Revised Code.

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

### *Responsibilities*

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

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

## *OHIO REVISED CODE (ORC) 124.341(B)*

### *Protections and Prohibitions*

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

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

## *OHIO REVISED CODE (ORC) 124.341(C)*

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



OHIO REVISED CODE (ORC) 124.341(D)

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

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

## ARTICLE VII: CUYAHOGA COUNTY PROVISIONS

### Section 1. Definitions

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

<del>Administrative Fee</del>	<del>The civil penalty equivalent of a fine, levied by and payable to the Inspector General.</del>
Advice	A written, expert judgment and recommendation by the Inspector General as to whether an issue raised poses ethical problems and how the issue may best be resolved. If the recipient acts in accordance with that advice, s/he is in compliance with the Code of Ethics.
"Anything of Value"	As used in Article VII herein, <del>"Anything of Value"</del> means anything, other than a Campaign Contribution, having a <b>value of \$15 per gift per person (i.e., a \$50 cookie tray given to a staff of five (5) people), and \$75 cumulative annually per person.</b> <del>cumulative monetary value in excess of \$75.00</del> "Anything of value" includes: a. Money, bank bills or notes, United States treasury notes, and other bills, bonds, or notes issued by lawful authority and intended to pass and circulate as money; B. Goods and chattels; C. Promissory notes, bills of exchange, orders, drafts, warrants, checks, or bonds given for the payment of money; D. Receipts given for the payment of money or other property; E. Rights in action; F. Things which savor of the realty and are, at the time they are taken, a part of the freehold, whether they are of the substance or produce thereof or affixed thereto, although there may be no interval between the servicing and taking away; G. Any interest in realty, including fee simple and partial interests, present and future, contingent or vested interest, beneficial interests, leasehold interests, and any other interest in realty; H. Any promise or future employment; I. Every other thing of value.

Associated	Associated, when used with reference to a business or an organization, includes any business or organization in which a Public Servant Public Official or a Public Servant's Public Official's partner in interest is a director, officer or trustee, or owns or controls, directly or indirectly, and severally or in the aggregate, at least five percent of the outstanding equity, or any business or organization in which a Public Servant Public Official or a partner in interest has a personal interest.
Before	A matter is "before" a public agency when it is "being considered by, decided by, or in the presence of or under the official purview of" the agency. Adv. Op. No. 2007-03.
Benefit	<p>1. "Anything of Value" having a cumulative monetary value in excess of \$75.00; 2. Anything, regardless of its monetary value, perceived or intended by either the one who offers it or the one to whom it is offered to be sufficient in value to influence a Public Servant in the performance or nonperformance of an official action; or 3. Anything, regardless of its monetary value, which, under the circumstances, a reasonably prudent person in the position of the Public Servant to whom the thing is or may be offered, would recognize as being likely to be intended to influence the Public Servant in the performance or nonperformance of an official action.</p> <p>The term "benefit" includes, but is not limited to, a valuable act, advance, award, contract, compensation, contribution, deposit, emolument, employment, favor, fee, forbearance, fringe benefit, gift, gratuity, honorarium, loan, offer, payment, perquisite, privilege, promise, reward, remuneration, service, subscription, or the promise that any of these things will be conferred in the future. The term "benefit" shall not include food and beverage.</p>
Board	An abbreviation for any authority, board, commission or special district to which County officials appoint at least one member or to which County funds are appropriated.
Business	Business means an activity, association, commercial entity, corporation, enterprise, firm, franchise, holding company, joint stock company, organization, partnership, receivership, self-employed individual, sole proprietorship, trust or other legal entity established to earn or otherwise obtain money, whether for profit or nonprofit, excluding a municipal corporation or governmental entity.
Business Associate or Partner in Interest	<del>A business associate</del> Includes any individuals, companies, or organizations with which the official is acting together to pursue a common business purpose. Examples <del>of a Public Official's business associates partner in interest</del> include, but are not limited to, the official's: (1) partners in a partnership; (2) co-owners of a business; (3) outside employer; and (4) co-members of an LLC. Adv. Op. No. 2009-06.

~~Business with which a Public Official or Employee is associated~~

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

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

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

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

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

Campaign Contribution

Any monetary or non-monetary donation to any political campaign committee.

Candidate

Means an individual who is a candidate for an elective County office, as defined in the County Charter, or an applicant for County employment or for an appointive County position.

Compensation

Money, thing of value, or financial benefit. "Compensation" does not include reimbursement for actual and necessary expenses incurred in the performance of official duties. Ohio Revised Code (ORC)102.01

Compensation also means "Anything of Value" that is given for services can be "compensation," whether it is in the form of cash, tangible goods or chattels, or other financial gains or benefits that accrue to the Public Servant. The services performed by the Public Servant may be provided for the specific benefit of the individual offering the compensation or for the general benefit of the public agency and the citizens served by the agency. Adv. Op. No. 2008-01.

Conflict of Interest

Means not only a personal interest, as defined in this Ordinance, but also a professional or non-pecuniary interest, such as arises when the County attorney is precluded from representing one Public Servant because of the County attorney's preexisting attorney-client relationship with another Public Servant.

Contractor

A person or an entity – including but not limited to service providers, vendors and consultants – that provides goods or services to the County under terms specified in a binding, officially approved agreement.

<del>County Agency</del>	<del>Means the County Council, any department, division, institution, board, commission, or advisory council, or other instrumentality of the County or any board, commission, or advisory council for which the Cuyahoga County Executive and/or the Cuyahoga County Council appoints one or more of its members.</del>
<b>County</b>	<b>Shall mean the body politic and corporate known as the County of Cuyahoga established in Section 1.01 of the Cuyahoga County Charter.</b>
Day	A calendar day, unless otherwise noted.
Decision Maker	Decision maker means any Public Official or Employee or Board, Commission or Advisory Agency of Cuyahoga County empowered to act in a discretionary manner on behalf of the County in any capacity whatsoever, including the making of recommendations. To the extent this Ordinance is applicable to them, any volunteer or independent contractor who is empowered to exercise any discretionary power which could influence a Public Official or Employee in the performance or nonperformance of an official action. In this Ordinance, the term "decision maker" is used to represent any and every Public Official or Employee who could take any discretionary action regarding a matter in which a Public Official or Employee or a partner in interest has or may have a conflict of interest, or as a result of which a Public Official or Employee might receive a personal benefit.
Disclosure	The reporting of financial information, personal or business connections, gifts, activities, campaign contributions or potential conflicts of interest.
<del>Domestic Partner</del> <b>Household Member</b>	Any person who shares the same residence with a Public Official or Employee.
Finding	The official decision reached by the Inspector General after thorough investigation or a formal hearing.
Full Family	A Public Official or Employee 's spouse, <del>domestic partner</del> <b>household member</b> , child, children, grandchildren, parents, parents-in-law, grandparents, grandparents-in-law, sisters, sisters-in-law, brothers, brothers-in-law, sons-in-law, daughters-in-law, nieces, nephews, aunts, uncles, or <b>first</b> cousins (whether by marriage, lineal descent or adoption);  A Public Official or Employee's relative by marriage, lineal descent or adoption who receives, directly or indirectly, more than one-half of his or her support from the Public Official or Employee or from whom the Public Official or Employee receives, directly or indirectly, more than one-half of his or her support; and  An individual claimed by the Public Official or Employee or the

Public Official or Employee's spouse as a dependent under the United States Internal Revenue Code.

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

~~agency. A person would be personally rendering services if he or she prepared and submitted, to a state agency, any grant or investment proposals, contract bid packages, responses to requests for proposals, or any other submission for financial support for a client or customer.~~

~~Position of Profit~~

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

Prohibited Source

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

Public Officials and Employees

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

Relatives

The definition for Full Family and Relatives shall be interchangeable.

~~Use Of or Authorization of the Use Of~~

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

Whistleblower

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

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

*Section 2. Full Family Definition Included*

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

*Section 3. Acknowledgement of Copy of Law*

For reference purposes to the County provisions:

*OHIO REVISED CODE (ORC) 102.09(D)*

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

The following added provisions pertaining to Cuyahoga County

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

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

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

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

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

The Public Official or Employee shall sign an ethics statement indicating that they have read, understood and agreed to this Ordinance and acknowledge their receipt of materials and attendance to all Programs and Classes in writing to the Human Resource Commission.

*Section 6. Relationship to Ohio Law*

Compliance with Ohio Ethics Laws

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

*Section 7. Minimum Standard*

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

*Section 8. Liberal Construction of Ordinance.*

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

*Section 9. Severability*

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

*Section 10. Applicability of Ordinance*

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

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

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

*Section 12. Misuse of County Resources*

No Public Official, **Employee, Contractor or Lobbyist** shall use, request, or permit the private use of County resources, including but not limited to motor vehicles, equipment and supplies. Printing, mailing or electronic communicating of personal or political material using County resources is likewise prohibited.



*Section 13. Discrimination*

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

*Section 14. Sexual Harassment*

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

*Section 15. Employee Contributions to an Elected Employer*

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

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

*Section 16. Misuse of Official Position*

Prohibited conduct, and other abuses or misuses of position.

- (A) Public Officials or Employees of the County shall treat all citizens with courtesy, impartiality, fairness, and equality under the law, and shall avoid both actual and potential conflicts between their private self-interest and the public interest. Prohibited conduct of each such Public Official or Employee shall include, but not be limited to, the following:
  - (1) Ordering any goods and services for the County without prior official authorization for such an expenditure;
  - (2) Using his or her superior position to ~~request or~~ require an employee to:
    - (i) Do clerical work on behalf of the Public Official or Employee's family, business, social, church or fraternal interest when such work is not furthering a County interest;
    - (ii) Perform any work outside the Employee's normal course of County employment; **or**

- (iii) Purchase goods and services for personal, business, or political purposes; ~~or.~~
  - (iv) ~~Work for him or her personally without offering just compensation.~~
- (3) Drawing per diem or expense monies from the County to attend a seminar, convention, or conference and then fail to attend the seminar, convention, or conference without refunding the pro-rata unused per diem or expense monies to the County.
- (B) No Public Official or Employee shall falsely represent his or her personal opinion to be the official position of the County. This subsection shall not apply to statements of elected officials made in the course of fulfilling the responsibilities of their offices or in running for election to office.
- (C) No Public Official or Employee shall suppress any public document, record, report or any other public information.
- (D) When a Public Official or Employee, in the course of carrying out his or her duties, has been offered or is discussing future employment with a ~~b~~**Business** that is presently dealing with the County concerning matters within the Public Official or Employee's current official duties, that person shall comply with all requirements in the Ethics Law and related statutes regarding future employment and disclose such possible future employment to the Inspector General.
- (E) In addition to being a violation of other laws, it is also a violation of this Ordinance for any Public Official or Employee to:
- (1) Be found liable of violating any federal, state, County or municipal law prohibiting discrimination or sexual harassment;
  - (2) Be found liable of violating any state laws governing lobbying activities or regulating political activity.
- (F) **No Public Official or Employee shall "request" that a subordinate employee ~~W~~work for him or her personally without offering just compensation. The request should not have any influence on the conditions of employment for the subordinate employee.**

*Section 17. Whistleblower - Rights*

For reference purposes to the County provisions:

*OHIO REVISED CODE (ORC) 124.341(A)*

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

with the supervisor or appointing authority, the Public Official or Employee may file a written report with the office of internal auditing created under section [126.45](#) of the Ohio Revised Code.

The following added provisions pertain to the County:

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

*Section 18. Whistleblower - Responsibilities*

For reference purposes to the County provisions:

*OHIO REVISED CODE (ORC) 124.341(A)*

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

The following added provisions pertain to the County:

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

*Section 19. Whistleblower – Protections and Prohibitions*

For reference purposes to the County provisions:

*OHIO REVISED CODE (ORC) 124.341(D)*

If an appointing authority takes any disciplinary or retaliatory action against a classified or unclassified Public Official or Employee as a result of the Public Official or Employee's having filed a report under division (A) of this section, the Public Official or Employee's sole and exclusive remedy, notwithstanding any other provision of law, is to file an appeal with the state personnel board of review within thirty days after receiving actual notice of the appointing authority's action. If the

Public Official or Employee files such an appeal, the board shall immediately notify the Public Official or Employee's appointing authority and shall hear the appeal. The board may affirm or disaffirm the action of the appointing authority or may issue any other order as is appropriate. The order of the board is appealable in accordance with Chapter 119 of the Ohio Revised Code.

The following added provisions pertain to the County:

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

*Section 20. Whistleblower – False Filings and Frivolous Complaints*

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

*Section 21. Whistleblower – Posting of Policy*

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

*Section 22. Disclosure of Conflict of Interest or Potential Conflict of Interest*

- (A) Unless the Public Official or Employee recuses themselves, a Public Official or Employee who has or may have a conflict of interest in a matter which requires an official action by any decision maker shall, before the matter is decided, disclose the conflict of interest or the potential or **alleged conflict of interest to the Inspector General and seek advice from the Inspector General or the County Law Department.** If the Inspector General believes that no conflict of interest exists, or that despite any alleged or potential special interest, such Public Official or Employee is nevertheless able to vote **on the matter in which there is a conflict of interest** and otherwise participate fairly, objectively and in a manner consistent with the Public interest, then the **member Public Official or Employee** shall so state in the written disclosure.

**A council person who rescues himself/herself shall still disclose the conflict of interest to the Inspector General for review and ruling.**

- (B) If the Public Official or Employee has or may have a conflict of interest in any matter before the County, then such Public Official or Employee shall not discuss, debate, deliberate about, act upon, vote upon or otherwise participate in or influence the decision-making process pertaining to the matter in which the **member Public Official or Employee** has a conflict of interest.
- (C) After receiving a conflict of interest disclosure, the Inspector General shall:
  - (1) Maintain a record of such disclosure; and

- (2) Promptly forward copies of the disclosure to any person named in the disclosure **and the Inspector General.**
- (D) Any Public Official or Employee who believes that any other Public Official or Employee has a conflict of interest in any agenda item before a governmental body shall disclose such interest to the Inspector General.
- (E) A Public Official or Employee, in addition to disqualifying herself/himself from participation in any decision regarding the pecuniary or employment interest of a Partner in Interest, shall make known the existence of their relationship and ~~the~~**his/her** interest by filing with the Inspector General **or County Law Department** a written disclosure of the relationship and the nature and extent of the conflict of interest involved.

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

*Section 23. Penalties*

Any violations of this Ordinance shall be punishable to the maximum extent permitted by law. Any disciplinary action shall be carried out in accordance with the provisions of this Ordinance, as well as any other laws, policies and procedures applicable to the position of the offender and the gravity of the offense. **With the exception of “letters of notification,” all letters and referrals issued by the Inspector General should simultaneously be sent to applicable Human Resource staff and the applicable Department Director(s).** The Inspector General is permitted to take any action ~~which~~ it is otherwise lawfully permitted to take, including, but not limited to, any one or combination of the following which the Inspector General deems appropriate under the circumstances:

- (A) *Letter of Notification.* The Inspector General may issue a letter of notification when it finds that a violation of this Ordinance was clearly unintentional or inadvertent. The letter may advise the respondent of any steps to be taken to avoid future violations.
- (B) *Letter of Admonition.* The Inspector General may issue a letter of admonition when it finds that the violation of this Ordinance was ~~minor and/or may have been unintentional or inadvertent~~ **knowingly committed, but is nevertheless a minor offense.**
- (C) *Letter of Censure.* The Inspector General may issue a letter of censure ~~when it finds that~~ **where** the respondent ~~has~~ intentionally or knowingly ~~violated this Ordinance~~ **committed major violations or has committed repeated minor violations [how many? Should be determined in Committee.]**
- (D) *Recommendations to the County Executive, Prosecutor, and Council.* When the Inspector General finds that the ~~r~~espondent has intentionally or knowingly violated this Ordinance, the Inspector General may make a recommendation to the County Executive or County Council (depending on the appointing authority), including but not limited to a recommendation for suspension, forfeiture of office or removal from office, and/or banning or temporarily

suspending the respondent's (or respondent's Associated Businesses or organizations') right to solicit, bid on or obtain a contract with or from the County, as allowed by applicable law.

- (E) *Notice to the Ohio Ethics Commission.* When the Inspector General finds that a Public Official or Employee has recklessly or knowingly violated Ohio Provisions of this Ordinance, the Inspector General shall consult with the Ohio Ethics Commission to determine whether the matter should be referred to the Ethics Commission.
- (F) *Referral to Additional Ethics Training.* Upon finding of violation of this Ordinance, the Inspector General may require that the respondent undergo ethics training in addition to or in lieu of any other penalties imposed upon the respondent.
- (G) *Referral to External Enforcement.* The Inspector General shall refer possible violation(s) of any state, federal, or local law, or rule, regulation or policy to the appropriate civil, criminal or administrative agencies charged with enforcement of said violation.

#### *Section 24. Penalties Cumulative*

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

#### *Section 25. Secondary Employment*

No Public Official or Employee of the County shall engage in secondary employment if that employment is incompatible with the proper discharge of official County duties or might impair objectivity or independent judgment on the job. This includes elective or appointed office in another jurisdiction or in a political party.

**The employee's outside employment does not place the employee in violation of the County's Ordinance, including, but not limited to, creation of a conflict of interests.** Neither Public Officials nor Employees shall hold outside employment that, in the opinion of the Inspector General, places the Public Official or Employee in violation of **this** Ordinance on a frequent or regular basis.

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

- (A) All Public Officials or Employees shall disclose secondary employment in writing to the Human Resources Department and to the Inspector General on an official form approved by the latter, updating this information whenever it changes.
- (B) Prior to accepting an additional job, such persons shall obtain official advice from the Inspector General, ~~which who~~ must respond within ~~(5) five business days of the request~~ a reasonable time based on the circumstances, but not

**to exceed ten (10) working days.** The Inspector General in its discretion may limit the type of classifications of secondary employment that require disclosure and/or prior approval.

- (C) In situations pre-dating the adoption of this Ordinance, the covered person shall seek official advice from the Inspector General, within ~~sixty~~ **60** days of the effective date of this Code.
- (D) ~~The employee's outside employment does not place the employee in violation of the County's Ordinance including, but not limited to, creation of a conflict of interests.~~
- (E). ~~*Penalty.* If the secondary employment is ruled a conflict of interest, the covered person shall either terminate that employment or face dismissal from County service, in compliance with existing personnel practices. If an Elected Official is engaged in secondary employment, and that secondary employment presents the appearance of or in fact a conflict of interest, then that Elected Official shall be precluded from deliberating on matters that impact the conflict of interest.~~

*Section 26. Boards, Commissions and Advisory Board Appointments*

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

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

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

~~*Section 27. Duty to Recuse or Leave Meeting*~~

- ~~(A) To avoid the appearance of impropriety, after any Public Official or Employee is determined to have a conflict of interest or a potential conflict of interest in any matter, and once all questions relating to the conflict of interest~~

~~have been answered to the satisfaction of the decision maker, the Public Official or Employee shall immediately leave the meeting room, except that if the matter is being considered at a Public meeting, the Public Official may remain in the area of the room occupied by the general Public.~~

~~(B) Nothing herein shall require members of voting bodies to leave their seats while action is taken regarding any item contained on a consent agenda on which there is no deliberation, the Public Official's or Employees conflict has been disclosed, and the Public Official or Employee abstains from voting on the item.~~

*Section 28. Employment of Relatives*

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

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

*Section 29. Additional Financial Disclosure Requirements*

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

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

*Section 30. Financial Disclosure Statements and Campaign Finance Report Disclosure*

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



Section 31. *Financial Disclosure Statements Filed Before Taking Office*

- (A) No head of any department **or a County-chartered office** , Deputy Director, **First Assistant, or other similarly situated person, or** Chief of Staff ~~or other member of the County Executive's and County Council senior management team~~ shall take the oath of office or enter or continue upon his or her duties, nor shall that person receive compensation from the County, unless that person has filed a financial disclosure statement with the ~~Ohio Ethics Commission and the Inspector General~~ **Inspector General, unless required by Ohio law to file with the Ohio Ethics Commission (OEC).**
- (B) Failure to comply with this section may result in ~~referral to~~ **an issuance of a penalty by** the Inspector General.

Section 32. *Lobbyist Registration and Reporting*

- (A) *Registry.* Effective January 1, 2012, all Lobbyists shall be registered with the Inspector General. The Registry application form shall include the entity for which the person is lobbying, the employer's name, type of business, current contact information, a current list of the contracts or policies they are trying to influence, and a list of campaign contributions to County elected officials. Registration shall be valid for 12 months. As necessary, the Inspector General may choose to require additional information.
- (B) *Signed Ethics Statement and Training.* Lobbyists shall also sign an ethics statement indicating they have read, understood and agreed to follow the pertinent sections of this Ordinance and attend ethics training within 15 days of approval from the Inspector General.
- (C) *Penalties.* Effective January 1, 2012, a Lobbyist who fails to comply with provisions ~~a, b, or c,~~ **(A) or (B)** shall be prohibited from ~~entering into any contracts~~ **engaging in any lobbying activities** with the County until they are in compliance. A lobbyist who is found to be in violation of this Ordinance shall be removed from the registry and be prohibited from ~~entering into contracts~~ **engaging in any lobbying activities** with the County for a period determined by the Inspector General, along with such other penalty(ies) as the Inspector General may deem appropriate.
- (D) *Authorization.* Effective January 1, 2012, no Lobbyist shall engage in any lobbying activity until the registration process has been completed and approved by the Inspector General.
- (E) *Registration Date.* All Lobbyists must register with the Inspector General ~~for~~ annually, on or before December 31, for the subsequent year to which they wish to engage in lobbying activities. First time registration may take place at anytime during the calendar year for the year in which lobbying activity is to take place.
- (F) *Term.* Lobbyist registrations shall expire on December 31 of the respective registration year.
- (G) *Transparency.* The Inspector General shall make all registrations available for public inspection and shall publish an active Lobbyist registration list on the ~~County~~ **Inspector General** website.

- (H) *Registry Application Fee:* \$100.00.
- (I) *Implementation Date.* Persons engaging in lobbying activities on or after the effective date of this Ordinance must comply with the requirements of this section beginning January 1, 2012.

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

*Section 33. Prohibited Activities by Lobbyists*

Lobbyists are prohibited from:

- (A) paying for Anything of Value for any Public Officials or Employees; and,
- (B) making campaign contributions for or otherwise on ~~the~~ behalf of any elected official(s) or candidate(s) for public office for the purpose of influencing the elected official(s) or candidate(s) on any matter of County Business.
- (C) Nothing in this Ordinance shall prohibit Lobbyists from making voluntary political contributions to any elected official, candidate, political action committee, political party, or any other political committee so long as such contributions are properly reported in accordance with applicable laws and regulations, including this Ordinance.

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

*Section 34. Contractors Registration and Reporting*

- (A) *Registry.* Effective January 1, 2012, all contractors doing ~~do~~ business with the County must be registered with the Inspector General. The registration form shall include but not be limited to: the contractor's corporate name, federal tax identification number, address, type of business, names of the contractor's principals and contracts with the County during the past four years. Registration shall be valid for 12 months. As necessary, the Inspector General may choose to require additional information.
- (B) *Signed Ethics Statement and Training.* At the time of submitting their registration materials, all Contractors, regardless of any monetary thresholds, shall also sign an ethics statement on a form provided by the Inspector General. Contractors whose annual aggregate amount of contracting with the County exceeds \$15,000.00 on a calendar year basis must also attend ethics training within 15 days of submission of the registration form and ethics statement to the Inspector General.
- (C) *Awards.* Effective January 1, 2012, registration and the signed ethics statement shall be pre-conditions for the signing of any contract with the County. Effective January 1, 2012, Contractors must submit requisite registration documents, and if applicable based on monetary thresholds in Section H below, the registry application fee to the Inspector General concurrently with or before they submit competitive bids or proposals. Contractors not procured through a competitive bid process must submit the requisite registration documents, and if applicable based on the monetary

thresholds in Section H below, the registration application fee to the Inspector General prior to approval and signature of the contract by the County.

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

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

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

*Section 35. Prohibited Activities by Contractors*

Contractors are prohibited from:

- (A) paying for “Anything of Value” for any Public Officials or Employees; and
- (B) making campaign contributions for or otherwise on ~~the~~ behalf of any elected official(s) or candidate(s) for public office for the purpose of influencing the elected official(s) or candidate(s) on any matter of County Business.
- (C) Nothing in this Ordinance shall prohibit Contractors from making voluntary political contributions to any elected official, candidate, political action committee, political party, or any other political committee so long as such contributions are properly reported in accordance with applicable laws and regulations, including this Ordinance.

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

*Section 36. County Procurement Card*

The County procurement card is a credit card issued by the County to use for certain work related purchases. The procurement card is provided to enable County departments to become more productive by improving efficiency in procurement and expediting payments to vendors. Each County employee who is assigned a procurement card shall be required to sign a “Cuyahoga County Procurement Card Program Cardholder Acknowledgement” form. By signing the form and accepting the procurement card, the employee agrees to comply with the following responsibilities:

- (A) The procurement card is to be used for individual County-approved purchases of under \$500 and within otherwise established limits.

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

*Section 37. Exemptions*

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

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

## **ARTICLE VIII. HUMAN RESOURCES COMMISSION**

### *Section 1. General Responsibility*

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

### *Section 2. Additional Responsibilities*

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

## **ARTICLE IX. INSPECTOR GENERAL**

### *Section 1. General Responsibility*

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

## **ARTICLE X. CORRECTION OF TYPOGRAPHICAL ERRORS**

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

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