



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

1. **CALL TO ORDER**
2. **ROLL CALL**
3. **PUBLIC COMMENT RELATED TO THE AGENDA**
4. **APPROVAL OF MINUTES FROM THE APRIL 24, 2012 MEETING**
5. **MATTERS REFERRED TO COMMITTEE**
  - a) **OLD 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) O2012-0004: An Ordinance amending the Cuyahoga County Code of Ethics, as amended, and declaring the necessity that this Ordinance become immediately effective.
6. **DISCUSSION**
  - a) **Charter Amendment Process**
7. **MISCELLANEOUS BUSINESS**
8. **OTHER PUBLIC COMMENT**
9. **ADJOURNMENT**

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



## **MINUTES**

**CUYAHOGA COUNTY RULES, CHARTER REVIEW, ETHICS & COUNCIL OPERATIONS  
COMMITTEE MEETING  
TUESDAY, APRIL 24, 2012  
CUYAHOGA COUNTY JUSTICE CENTER  
COUNCIL CHAMBERS – 1<sup>ST</sup> FLOOR  
1:00 PM**

**1. CALL TO ORDER**

**Chairman Greenspan called the meeting to order at 1:04 p.m.**

**2. ROLL CALL**

**Assistant Deputy Clerk Thurman called the roll. Committee members Greenspan, Miller, Brady and Connally were in attendance and a quorum was determined. Committee member Simon entered the meeting shortly after the roll call was taken.**

**3. PUBLIC COMMENT RELATED TO THE AGENDA**

**Ms. Lynda Mayer, representing the TAG Ethics Workgroup, addressed the Committee regarding issues of concern to her relating to Ordinance No. O2012-0004, an Ordinance amending the Cuyahoga County Code of Ethics.**

**4. APPROVAL OF MINUTES FROM THE MARCH 27, 2012 MEETING**

**A motion was made by Mr. Miller, seconded by Ms. Connally and approved by unanimous vote to approve the minutes of the March 27, 2012 meeting.**

**5. MATTERS REFERRED TO COMMITTEE**

**a) OLD BUSINESS**

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

**Mr. Greenspan introduced a substitute to Ordinance O2012-0004. Discussion ensued.**

**Ms. Nailah Byrd, Inspector General, and Mr. Matthew Hawes, Deputy Inspector General, addressed the Committee regarding Ordinance No. O2012-0004. Discussion ensued.**

**Committee members asked questions of Ms. Byrd and Mr. Hawes pertaining to the item, which they answered accordingly.**

**Mr. Trevor McAleer, Legislative Budget Advisor, Mr. Ed Morales, Assistant Law Director, and Mr. James Boyle, Special Assistant to the County Executive, addressed the Committee regarding Ordinance No. O2012-0004. Discussion ensued.**

**Committee members asked questions of Mr. McAleer, Mr. Morales and Mr. Boyle pertaining to the item, which they answered accordingly.**

**Mr. Greenspan postponed Ordinance No. O2012-0004 from further consideration at this time.**

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

**Mr. Greenspan addressed the Committee regarding Ordinance No. O2012-0008. Discussion ensued.**

**On a motion by Mr. Miller with a second by Ms. Connally, Ordinance No. O2012-0008 was considered and approved by unanimous vote to be referred to the full Council agenda under second reading.**

## **6. MISCELLANEOUS BUSINESS**

**Mr. Greenspan announced that the next meeting of the Rules, Charter Review, Ethics and Council Operations Committee will take place on Tuesday, May 1, 2012 at 1:00 p.m.**

7. OTHER PUBLIC COMMENT

**No public comments were given.**

8. ADJOURNMENT

**With no further business to discuss, Chairman Greenspan adjourned the meeting at 2:59 p.m., without objection.**

# 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.
--	---

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

PROPOSED SUBSTITUTE

**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.
--	--

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**

TABLE OF CONTENTS

ARTICLE I: PURPOSE AND OVERVIEW OF ORDINANCE ..... 5

    Section 1. Purpose ..... 5

    Section 2. Overview ..... 5

ARTICLE II. THE OHIO ETHICS LAW: CHAPTER 102. OF THE OHIO REVISED CODE ..... 6

    Section 1. Definitions ..... 6

    PROHIBITED CONDUCT - GENERAL ..... 7

    Section 2. Misuse of Official Position..... 7

    Section 3. Misuse of Confidential Information ..... 8

    Section 4. Rate Making..... 8

    Section 5. Securing “Anything of Value”..... 9

    Section 6. Soliciting or Accepting “Anything of Value”..... 9

    Section 7. Giving Gifts to Public Officials and Employees..... 9

    Section 8. Receiving Campaign Contributions ..... 9

    Section 9. Receiving Honoraria..... 9

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

    Section 11. Membership in Tax Exempt Organization - Exemption ..... 10

    Section 12. Representation and Influence Peddling ..... 11

    Section 13. Failure to Recuse..... 12

    Section 14. Acknowledgment of Copy of Law..... 13

    Section 15. Penalties..... 13

ARTICLE III. THE OHIO ETHICS LAW: CHAPTER 2921 OF THE OHIO REVISED CODE ..... 13

    Section 1. Definitions ..... 13

ARTICLE IV. THE OHIO ETHICS LAW: CHAPTER 2921.42 OF THE OHIO REVISED CODE ..... 15

    PROHIBITED CONDUCT – PUBLIC CONTRACTS ..... 15

    Section 1. Nepotism..... 15

    Section 2. County Investments. .... 15

    Section 3. Subsequent Employment ..... 15

    Section 4. Profit or Gain from County Contracts ..... 15

    Section 5. Exemptions from Prohibited Conflict of Interest in Public Contracts..... 16

    Section 6. Penalties..... 17

    Section 7. Voiding of Tainted Contracts or Investments..... 17

ARTICLE V. THE OHIO ETHICS LAW: CHAPTER 2921.43 OF THE OHIO REVISED CODE ..... 18

    IMPROPER COMPENSATION..... 18

Section 1.	<i>Gratuities for Regular Duties and Internal Favors</i>	18
Section 2.	<i>Gratuities for Employment Favors</i>	18
Section 3.	<i>Political Contributions made for Consideration</i>	18
Section 4.	<i>Penalties</i>	19
Section 5.	<i>Exemptions – Making or Receiving Voluntary Contributions</i>	19
ARTICLE VI. OTHER OHIO REVISED CODE INCLUDED IN ORDINANCE		19
Section 1.	<i>Abuse of political authority or influence</i>	19
Section 2.	<i>Abuse of power for political reasons</i>	20
Section 3.	<i>Payment for appointment or promotion</i>	20
Section 4:	<i>Gratuities for Performance of Regular Duties</i>	20
Section 5.	<i>Prohibited Political Activity</i>	20
Section 6.	<i>Prohibited Political Activity</i>	21
Section 7.	<i>Whistleblower</i>	23
ARTICLE VII: CUYAHOGA COUNTY PROVISIONS		25
Section 1.	<i>Definitions</i>	25
Section 2.	<i>Full Family definition Included</i>	30
Section 3.	<i>Acknowledgement of Copy of Law</i>	31
Section 4.	<i>Education and Training - Initial and Annual Ethics Education and Training</i>	31
Section 5.	<i>Acknowledgment of Initial and Annual Ethics Education and Training</i>	31
Section 6.	<i>Relationship to Ohio Law</i>	32
Section 7.	<i>Minimum Standard</i>	32
Section 8.	<i>Liberal Construction of Ordinance</i>	32
Section 9.	<i>Severability</i>	32
Section 10.	<i>Applicability of Ordinance</i>	32
Section 11.	<i>Duties of Public Official's and Employees to Cooperate with Investigations and Inquiries</i>	32
Section 12.	<i>Misuse of County Resources</i>	32
Section 13.	<i>Discrimination</i>	33
Section 14.	<i>Sexual Harassment</i>	33
Section 15.	<i>Employee Contributions to an Elected Employer</i>	33
Section 16.	<i>Misuse of Official Position</i>	33
Section 17.	<i>Whistleblower - Rights</i>	35
Section 18.	<i>Whistleblower - Responsibilities</i>	35
Section 19.	<i>Whistleblower – Protections and Prohibitions</i>	36
Section 20.	<i>Whistleblower – False Filings and Frivolous Complaints</i>	36

<i>Section 21. Whistleblower – Posting of Policy</i> .....	36
<i>Section 22. Disclosure of conflict of interest or potential conflict of interest</i> .....	36
<i>Section 23. Penalties</i> .....	38
<i>Section 24. Penalties Cumulative</i> .....	40
<i>Section 25. Secondary Employment</i> .....	40
<i>Section 26. Boards, Commissions and Advisory Board Appointments</i> .....	41
<i>Section 27. Duty to Recuse or Leave Meeting</i> .....	41
<i>Section 28. Employment of Relatives</i> .....	42
<i>Section 29. Additional Financial Disclosure Requirements</i> .....	42
<i>Section 30. Financial Disclosure Statements and Campaign Finance Report Disclosure</i> .....	43
<i>Section 31. Financial Disclosure Statements Filed Before Taking Office</i> .....	43
<i>Section 32. Lobbyist Registration and Reporting</i> .....	43
<i>Section 33. Prohibited Activities by Lobbyists</i> .....	44
<i>Section 34. Contractors Registration and Reporting</i> .....	45
<i>Section 35. Prohibited Activities by Contractors</i> .....	47
<i>Section 36. County Procurement Card</i> .....	47
ARTICLE VIII. HUMAN RESOURCES COMMISSION .....	49
<i>Section 1. General Responsibility</i> .....	49
<i>Section 2. Additional Responsibilities</i> .....	49
ARTICLE IX. INSPECTOR GENERAL .....	49
<i>Section 1. General Responsibility</i> .....	49
ARTICLE X. CORRECTION OF TYPOGRAPHICAL ERRORS .....	49

## **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”	<del>“Anything of Value”</del> Has the same meaning as provided in Section 1.03 of the Ohio Revised Code and as interpreted by the Ohio Ethics Commission, <del>however, anything with a cumulative monetary value in excess of \$75.00 shall be considered “anything of value”. As used in Article VII herein, “Anything of Value” means anything, other than a Campaign Contribution, having a value of \$15 per gift per person (i.e., a \$50 cookie tray given to a staff of five (5) people), and \$75 cumulative annually per person. cumulative monetary value in excess of \$75.00 “Anything of value” includes: a. Money, bank bills or notes, United States treasury notes, and other bills, bonds, or notes issued by lawful authority and intended to pass and circulate as money; B. Goods and chattels; C. Promissory notes, bills of exchange, orders, drafts, warrants, checks, or bonds given for the payment of money; D. Receipts given for the payment of money or other property; E. Rights in action; F. Things which savor of the realty and are, at the time they are taken, a part of the freehold, whether they are of the substance or produce thereof or affixed thereto, although there may be no interval between the servicing and taking away; G. Any interest in realty, including fee simple and partial interests, present and future, contingent or vested interest, beneficial interests, leasehold interests, and any other interest in realty; H. Any promise or future employment; I. Every other thing of value.</del>
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 <b>“before”</b> a public agency when it is <b>“being considered by, decided by, or in the presence of or under the official purview of”</b> the agency. Adv. Op. No. 2007-03.

Benefit	<p>1. <b>"Anything of Value"</b> 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 <b>"benefit"</b> 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 <b>business associate</b></del> Includes any individuals, companies, or organizations with which the official is acting together to pursue a common business purpose. <del>Examples of a Public Official's business associates <b>partner in interest</b></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.
<del>Business with which a Public Official or Employee is associated</del>	<p><del>Business with which a Public Official or Employee is associated or associated business means a business in which any of the following applies:-</del></p> <p><del>(1) The Public Official or Employee is an owner, partner, director, officer, employee or independent contractor in relation to the business;</del></p> <p><del>(2) A Public Official, Employee's or partner in interest is an owner, partner, director or officer;</del></p>

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

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

Campaign Contribution	Any monetary or non-monetary donation to any political campaign committee.
Candidate	Means an individual who is a candidate for an elective County office, as defined in the County Charter, or an applicant for County employment or for an appointive County position.
Compensation	Money, thing of value, or financial benefit. "Compensation" does not include reimbursement for actual and necessary expenses incurred in the performance of official duties. Ohio Revised Code (ORC)102.01 Compensation also means "Anything of Value" that is given for services can be "compensation," whether it is in the form of cash, tangible goods or chattels, or other financial gains or benefits that accrue to the Public Servant. The services performed by the Public Servant may be provided for the specific benefit of the individual offering the compensation or for the general benefit of the public agency and the citizens served by the agency. Adv. Op. No. 2008-01.
Conflict of Interest	Means not only a personal interest, as defined in this Ordinance, but also a professional or non-pecuniary interest, such as arises when the County attorney is precluded from representing one Public Servant because of the County attorney's preexisting attorney-client relationship with another Public Servant.
Contractor	A person or an entity – including but not limited to service providers, vendors and consultants – that provides goods or services to the County under terms specified in a binding, officially approved agreement.
County Agency	<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>
County	<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 Household Member</del>	<del>Any person who shares the same residence with a Public Official or Employee.</del>
<b>Employee</b>	<b>Any employee of the County or board, commission or agency member, whether in a temporary or permanent capacity. The definition applies regardless of whether the person is: (1) compensated or uncompensated; (2) serving full time or part time; or (3) serving in a temporary or permanent position.</b>
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 cousins (whether by marriage, lineal descent or adoption);</b>  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>

<b>Gift</b>	<b>Gift means any benefit or thing or act of monetary value, other than a Campaign Contribution, of a cumulative value of \$75.00 or more within a calendar year, which is conveyed to or performed for the benefit of a Public Official or Employee, including any advance, award, contract, contribution, deposit, employment, favor, forbearance, gift, gratuity, honorarium, loan, payment, service, subscription, or the promise that any of these things or acts of value will be conferred in the future, if such thing or act of value is conferred or performed without the lawful exchange of consideration which is commensurate in value at least equal in value to the thing or act conferred or performed.</b>
<b>Household Member</b>	<b>Any person who shares the same residence with a Public Official or Employee.</b>
<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	<del>“Organization”</del> 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 <b>“an individual, corporation, business trust, estate, trust, partnership, and association.”</b> 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 agency. A person would be personally rendering services if he or</del>

~~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.<sup>2</sup> The definition applies regardless of whether the person is: (1) compensated or uncompensated; (2) serving full time or part time; or (3) serving in a temporary or permanent position.

**Relatives**

The definition for Full Family and Relatives shall be interchangeable.

**Secondary Employment**

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

**Use Of or Authorization of the Use Of**

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

**Whistleblower**

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

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

*Section 2. Full Family Definition Included*

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

*Section 3. Acknowledgement of Copy of Law*

For reference purposes to the County provisions:

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

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

The following added provisions pertaining to Cuyahoga County

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

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

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

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

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

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



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

*Section 6. Relationship to Ohio Law*

Compliance with Ohio Ethics Laws

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

*Section 7. Minimum Standard*

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

*Section 8. Liberal Construction of Ordinance.*

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

*Section 9. Severability*

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

*Section 10. Applicability of Ordinance*

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

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

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

*Section 12. Misuse of County Resources*

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

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

*Section 13. Discrimination*

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

*Section 14. Sexual Harassment*

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

*Section 15. Employee Contributions to an Elected Employer*

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

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

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

*Section 16. Misuse of Official Position*

Prohibited conduct, and other abuses or misuses of position.

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

(1) Ordering any goods and services for the County without prior official authorization for such an expenditure;

(2) Using his or her superior position to ~~request or~~ require an employee to:

(i) Do clerical work on behalf of the Public Official or Employee's family, business, social, church or fraternal

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

(ii) Perform any work outside the Employee's normal course of County employment; **or**

(iii) Purchase goods and services for personal, business, or political purposes; ~~or.~~

(iv) ~~Work for him or her personally without offering just compensation.~~

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

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

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

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

(D) When a Public Official or Employee, in the course of carrying out his or her duties, has been offered or is discussing future employment with a ~~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 ~~Wwork~~ for him or her personally without offering just compensation. The request should not have any influence on the conditions of employment for the subordinate employee.~~

*Section 17. Whistleblower - Rights*

For reference purposes to the County provisions:

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

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

The following added provisions pertain to the County:

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

*Section 18. Whistleblower - Responsibilities*

For reference purposes to the County provisions:

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

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

The following added provisions pertain to the County:

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

*Section 19. Whistleblower – Protections and Prohibitions*

For reference purposes to the County provisions:

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

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

The following added provisions pertain to the County:

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

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

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

*Section 21. Whistleblower – Posting of Policy*

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

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

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

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

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

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

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

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

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

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

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

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

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

*Section 243. Penalties*

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

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

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



Section 254. Penalties Cumulative

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

Section 265. Secondary Employment

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

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

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

~~(A)~~ (B) **Duty to Disclose**

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

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

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

*Section 276. Boards, Commissions and Advisory Board Appointments*

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

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

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

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

~~(A) — To avoid the appearance of impropriety, after any Public Official or Employee is determined to have a conflict of interest or a potential conflict of interest in any matter, and once all questions relating to the conflict of interest have been answered to the satisfaction of the decision maker, the Public Official or Employee shall immediately leave the meeting room, except that if the matter is being considered at a Public meeting, the Public Official may remain in the area of the room occupied by the general Public.~~

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

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

*Section 28. Employment of Relatives*

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

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

*Section 29. Additional Financial Disclosure Requirements*

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

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

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

(B) *Filing Deadlines.*

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

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

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

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

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

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

*Section 32. Lobbyist Registration and Reporting*

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

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

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

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

*Section 33. Prohibited Activities by Lobbyists*

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

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

*Section 34. Contractors Registration and Reporting*

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

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

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

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

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

**Section 35. Prohibited Activities by Contractors**

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

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

**Section 36. County Procurement Card**

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



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

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

*Section 37. Exemptions*

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

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

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

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

### *Section 1. General Responsibility*

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

### *Section 2. Additional Responsibilities*

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

## **ARTICLE IX. INSPECTOR GENERAL**

### *Section 1. General Responsibility*

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

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

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

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



## Cuyahoga County Council Memorandum

TO: C. Ellen Connally, President and Cuyahoga County Councilmembers

FROM: Joanne Gross, Senior Policy Advisor

DATE: April 20, 2012

SUBJ: 2012 Charter Amendment Proposals

---

Attached is a compilation of proposed Charter amendments for consideration by Council for possible placement on the November 2012 ballot. We asked Councilmembers and the Executive administration for suggestions of amendments that they considered important and urgent enough to place before the voters in this fall's general election. We did so for two reasons: cost and clarity. Because 2012 is an even-year election, it will ultimately cost the county less money to put amendments on the general election ballot than it would in an odd-year election. In addition, operational issues have been raised over the past year or so that call for clarification of Charter language and meaning.

Please forward the attached to the Rules, Ethics and Charter Review Committee. A proposed timeline entails public Rules Committee discussions through May and June. Individual resolutions of amendment, if any are recommended, will be introduced for first reading in July, with subsequent 2<sup>nd</sup> and 3<sup>rd</sup> readings through August. Proposed questions and charter language are due to the Board of Elections on September 7, 2012. We are hoping to send any proposed Charter amendments to the BOE by mid to late August.

Following is a list of proposals, organized by existing Charter section with the sponsor(s) identified:

1. Clarifying Executive's authority - 2.03(1) and layoff jurisdictions -9.04; Sponsor – Executive and Director of Human Resources
2. Vacancies for Council and the Executive -clarifying time lines -2.04 and 3.07; Sponsor –Councilmember Miller
3. Actions of Council not requiring Executive approval - 3.10 (5); Sponsor – Councilmember Miller
4. Clarification of Roles of the Fiscal Officer, Treasurer, and Chief Information Officer – 5.02, 5.07, and 10.01; Sponsors – Executive, Fiscal Officer, Treasurer, Office of Procurement & Diversity, Chief Information Officer
5. Board of Revision – clarifications -6.02; Sponsor – Councilmember Miller
6. HRC Appointments - considering HRC as Council appointments -9.01; Sponsor – Councilmember Conwell
7. HRC authority and responsibilities – request for general clarification of – 9.01, 9.03, 9.04; Sponsor – Human Resource Commission
8. Purchasing Department - renaming to reflect current practice and calling for a Director -10.01 and adding 10.02; Sponsor –Councilmembers Jones and Miller
9. Internal Auditing – terms of office of Audit Committee and Internal Auditor – 11.01, 11.03; Sponsor Councilmember Connally
10. Creating the Agency of Inspector General under the Charter – new Article 14; Sponsor- Executive and Director of Human Resources.

It is possible that one or more additional proposals may be submitted at a later date. But we wanted to give Council adequate time to consider these proposals fully and to allow sufficient public input as well.

Att. (10)



## CHARTER REVIEW FORM

<b>Sponsor's Name:</b> Law Director on behalf of County Executive/HR Director
<b>Date Submitted:</b> April 2, 2012
<b>Sponsor's Phone:</b> 698-6549
<b>Sponsor's Email:</b> mmakhlouf@cuyahogacounty.us
<b>GENERAL TOPIC (e.g. Council Redistricting)</b>
Clarification of Appointing Authorities
<b>CHARTER SECTION(S) AFFECTED (e.g. Sections 3.04 (2) &amp; (3) – Council Districts)</b>
2.03(1) and 9.04
<b>CURRENT LANGUAGE OF SECTIONS AFFECTED</b>
See redlines below
<b>SUMMARY AND RATIONALE FOR CHANGE</b>
Clarify the Executive's authority in section 2.03(1) and the layoff jurisdiction under Section 9.04.
<b>PROPOSED LANGUAGE (WITH DELETIONS CROSSED OUT AND ADDITIONS BOLDED)</b>
<p>2.03(1): To appoint, <b>promote, demote,</b> suspend, discipline and remove all County personnel, including those appointive officers provided for in Article V hereof <b>and the employees in their departments</b> and except those who, as provided by general law, are under the jurisdiction of <del>officers,</del> boards, agencies, commissions and authorities of the County other than the board of county commissioners. . .</p> <p>9.04: The County Executive and the officers, offices, agencies, departments, boards and commissions and other public bodies, who under this Charter or under general law are authorized to employ persons in the service of the County, shall be appointing authorities. <b>For purposes of layoff jurisdiction and transfer of employees, every Article V officer and every county department shall be its own jurisdiction. Consistent with Section 2.03(1), for purposes of employing, suspending, disciplining, promoting, demoting, and removing employees of the Article V officers and any department, approval of the County Executive shall be required. The County Executive may delegate such authority to any officers as he or she sees fit.</b></p>



## CHARTER REVIEW FORM

<b>Sponsor's Name:</b> Dale Miller
<b>Date Submitted:</b> February 6, 2012
<b>Sponsor's Phone:</b> (216) 698-2011
<b>Sponsor's Email:</b> <a href="mailto:damiller@cuyahogacounty.us">damiller@cuyahogacounty.us</a>
<b>GENERAL TOPIC (e.g. Council Redistricting)</b>
Vacancies for Council and Executive
<b>CHARTER SECTION(S) AFFECTED (e.g. Sections 3.04 (2) &amp; (3) – Council Districts)</b>
Section 2.04 – Vacancy & Section 3.07 Vacancies; Length of Appointment
<b>CURRENT LANGUAGE OF SECTIONS AFFECTED</b>
<p>Section 2.04 Vacancy:</p> <p>In the event the office of the County Executive becomes vacant by reason of death, resignation, removal from office, failure to remain an elector of the County or for any other reason, the President of Council shall succeed to the office of County Executive on an interim basis. If a vacancy occurs in the first or second year of a four-year term, the interim succession shall be for a period until the next countywide general election, at which time the position shall be filled for the principal term. If a vacancy occurs in the third or fourth year of a four-year term, the interim succession shall extend until the next countywide general election, at which time the position shall be filled for the next four-year term. The interim succession of the President of Council to the office of County Executive as provided herein shall create a vacancy in the membership of County Council and in the position of President of Council. Upon the occurrence of a vacancy in the position of President of Council, the Vice-President of Council shall assume the position of President, and the Council shall elect a member to serve as Vice-President. The Council seat vacated by the former Council president shall be filled in the manner described.</p> <p>Section 3.07 Vacancies; Length of Appointment:</p> <p>If a vacancy occurs in the first or second year of a four-year term, the interim appointment shall be for a period until the next countywide general election, at which time the position shall be filled for the remainder of the unexpired term. If a vacancy occurs in the third or fourth year of a four-year term, the interim appointment shall extend until the next countywide general election, at which time the position shall be filled for the next four-year term.</p>

#### SUMMARY AND RATIONALE FOR CHANGE

Article 2, Section 4 and Article 3, Section 7 deal with the filling of vacancies in the office of County Executive and County Council, respectively. Both articles provide for interim appointments, a process that does not change with this amendment. Article 2, Section 4 provides that when there is a vacancy for County Executive, the President of Council becomes County Executive on an interim basis. Article 3, Section 5 provides that when there is a vacancy for member of County Council, the precinct committee members of the same political party and district as the outgoing member make the interim appoint. Article 3, Section 6 provides that the County Council makes than interim appointment when the outgoing Council member does not belong to a political party that has precinct committee members.

Article 2, Section 4 and Article 3, Section 7 then go on to provide for an election to fill the vacancy following the interim appointment for County Executive and County Council, respectively. These sections provide that if the vacancy occurs in the first or second year of the term, the interim appointment shall extend until the next countywide general election, at which time the position shall be filled for the remainder of the unexpired term. This language creates two problems. First, if the vacancy occurs before the mid-term election, but after a point which is a reasonable time before the filing deadline, it becomes unclear how the election would be held. Second, the current language provides for persons elected to fill vacancies to take office immediately upon election. This might be possible for County Council members, but certainly would not be practical for the County Executive.

The proposed amendment corrects the first problem by specifying that the vacancy must occur at least 30 days before the filing deadline for the primary for the mid-term election for there to be an election for the unexpired term. Otherwise, the interim appointment is for the remainder of the term. The proposed amendment corrects the section problem by specifying that the interim appointment extends until the end of the calendar year following the mid-term election, after which the unexpired term begins. Finally, the amendment makes a non-substantive change in the last line of Article 4, Section 2, stating the charter sections to be used in filling a council vacancy caused when the President of Council becomes County Executive.

#### PROPOSED LANGUAGE (WITH DELETIONS CROSSED OUT AND ADDITIONS BOLDED)

##### 2.04 Vacancy

In the event the office of the County Executive becomes vacant by reason of death, resignation, removal from office, failure to remain an elector of the County or for any other reason, the President of Council shall succeed to the office of County Executive on an interim basis. If a vacancy occurs ~~in the first or second year of a four-year term, the interim succession shall be for a period until the next countywide general election, at which time the position shall be filled for the principal term.~~ If a vacancy occurs in the third or fourth year of a four-year term, the interim succession shall extend until the next countywide general election, at which time the position shall be filled for the next four-year term. **at least thirty (30) days prior to the filing deadline for the primary for the countywide general election held during the second year of a four-year term, the interim appointment shall be for a period until the end of the calendar year following that same countywide general election, at which election the position shall be**

**filled for the remainder of the unexpired term. Otherwise, the interim appointment shall extend for the remainder of the four-year term.** The interim succession of the President of Council to the office of County Executive as provided herein shall create a vacancy in the membership of County Council and in the position of President of Council. Upon the occurrence of a vacancy in the position of President of Council, the Vice-President of Council shall assume the position of President, and the Council shall elect a member to serve as Vice-President. The Council seat vacated by the former Council president **President of Council** shall be filled in the manner described herein **as provided for in Article 3, Section 5 or 6, as applicable.**

### 3.07 Vacancies; Length of Appointment

If a vacancy occurs in the first or second year of a four-year term, the interim appointment shall ~~be for a period until the next countywide general election, at which time the position shall be filled for the remainder of the unexpired term.~~ If a vacancy occurs in the third or fourth year of a four-year term, the interim appointment shall extend until the next countywide general election, at which time the position shall be filled for the next four-year term. **at least thirty (30) days prior to the filing deadline for the primary for the countywide general election held during the second year of a four-year term, the interim appointment shall be for a period until the end of the calendar year following that same countywide general election, at which election the position shall be filled for the remainder of the unexpired term. Otherwise, the interim appointment shall extend for the remainder of the four-year term.**





## CHARTER REVIEW FORM

<b>Sponsor's Name:</b> Dale Miller
<b>Date Submitted:</b> February 22, 2012
<b>Sponsor's Phone:</b> (216) 698-2011
<b>Sponsor's Email:</b> <a href="mailto:damiller@cuyahogacounty.us">damiller@cuyahogacounty.us</a>
<b>GENERAL TOPIC (e.g. Council Redistricting)</b>
Actions of Council not requiring presentation to the Executive for approval or disapproval
<b>CHARTER SECTION(S) AFFECTED (e.g. Sections 3.04 (2) &amp; (3) – Council Districts)</b>
Section 3.10 (5) Adoption by Council
<b>CURRENT LANGUAGE OF SECTIONS AFFECTED</b>
(5) <b>Action by Council.</b> No action of the Council shall be valid or binding unless adopted by an affirmative vote of at least a majority of the members of the Council. Each ordinance shall be signed by the presiding officer and promptly presented by the Clerk of Council to the County Executive for approval or disapproval.
<b>SUMMARY AND RATIONALE FOR CHANGE</b>
<p>The Charter states in Article 3, Section 9 that "all powers of the Council shall be exercised by ordinance or resolution" and states in Article 3, Section 10, Subsection 5 that "each ordinance or resolution shall be...promptly presented by the Clerk or Council to the County Executive for approval or disapproval." Taken together, these sections require the Executive to review all Council actions. However, there are some actions for which Executive review is not necessary nor should it be required. This amendment creates exceptions for an appropriate list of actions.</p> <p>The first two items (a. &amp; b.) relate to the Council's right to set its own rules and order of business, per Article 3, Section 10, Subsection 2. The next three items (c.-e.) enable Council on its own to determine its office organization, hire staff, and enter into contracts for its own office operations, consistent with the County's operating budget. The next two (f. &amp; g.) create exceptions for the confirmation of Executive appointments and the making of appointments granted specifically to the Council. The next two (h. &amp; i.) relate to Council's investigatory powers as provided in Article 3, Section 9, Subsection 10 and Article 3, Section 12. Since such investigative actions would probably relate to activities of the Executive branch, it would not make sense to require Executive approval to exercise them. The final item (j.) creates an exception for submission of proposed Charter amendments to the voters of Cuyahoga County, since Article 10, Section 4 of the Ohio Constitution clearly states that only a 2/3 of the Legislative Authority is required for such action.</p> <p>Finally, the word "adopted" is added in the second line for clarification.</p>

**PROPOSED LANGUAGE (WITH DELETIONS CROSSED OUT AND ADDITIONS BOLDED)**

(5) **Adoption by Council.** No action of the Council shall be valid or binding unless adopted by an affirmative vote of at least a majority of the members of Council. Each **adopted** ordinance or resolution shall be signed by the presiding officer and promptly presented by the Clerk of Council to the County Executive for approval or disapproval. **Notwithstanding the foregoing, the following actions shall be finally approved or disapproved upon action by Council, without presentation to the County Executive for approval or disapproval:**

**a. Adoption or amendment of the rules and order of business of the Council;**

**b. Adoption of the schedule of Council meetings, creation of committees, and other actions relating to the internal operations of the Council;**

**c. Adopting an organizational structure for the Council office, consistent with the County's operating budget;**

**d. Hiring and setting compensation for employees of the Council office, consistent with the County's operating budget;**

**e. Approval of contracts or amendments to contracts not to exceed \$100,000 for services for the Council office, consistent with the County's operating budget;**

**f. Confirmation of appointments recommended by the County Executive;**

**g. Making of appointments designated in this Charter to be made by Council;**

**h. Adoption of a resolution to require the attendance of any County employee or officer at Council meetings;**

**i. Adoption of a resolution to compel the attendance of witnesses, issue subpoenas, or refer matters to the Prosecuting Attorney in accordance with Article 3, Section 12;**

**j. Submission of proposed amendments to this Charter to the electors of Cuyahoga County.**



## CHARTER REVIEW FORM

<b>Sponsor's Name:</b> Law Director on behalf of County Executive/Fiscal Officer/Treasurer/OPD/CIO
<b>Date Submitted:</b> April 2, 2012
<b>Sponsor's Phone:</b> 698-6549
<b>Sponsor's Email:</b> mmakhlouf@cuyahogacounty.us
<b>GENERAL TOPIC (e.g. Council Redistricting)</b>
Clarification of the roles of the Fiscal Officer, Treasurer, and Chief Information Officer
<b>CHARTER SECTION(S) AFFECTED (e.g. Sections 3.04 (2) &amp; (3) – Council Districts)</b>
5.02, 5.07 and 10.01
<b>CURRENT LANGUAGE OF SECTIONS AFFECTED</b>
See redlines below
<b>SUMMARY AND RATIONALE FOR CHANGE</b>
The intent is to fix the operational issues encountered. The proposed changes consolidate the Office of Procurement and Diversity and Treasurer within the Department of Finance and Operations, which is the normal municipal model. The proposed change clarifies the role of the CIO in reviewing IT purchases.
<b>PROPOSED LANGUAGE (WITH DELETIONS CROSSED OUT AND ADDITIONS BOLDED)</b>
5.02(1): The Fiscal Officer shall <b>lead the Department of Finance and Operations and shall</b> exercise all powers and perform all duties now or hereafter vested in or imposed by general law upon county auditors and county recorders, and the powers and duties of clerks of court of common pleas other than those powers and duties related to serving the operation of the courts, and such other powers and duties not inconsistent herewith as provided herein or by ordinance. The Fiscal Officer shall prepare and maintain the tax maps for the County. <b>Effective January 1, 2013, the County archives and the office of County Treasurer are consolidated within the Department of Finance and Operations, which shall exercise all powers and perform all duties relating to archives and all powers and duties now or hereafter vested in or imposed by general law upon county treasurers.</b>
<b>Delete Section 5.07.</b>
10.01: <b>Division of Procurement and Diversity</b> Department of Purchasing

~~There shall be a Department of Purchasing.~~ **The Department of Finance and Operations shall contain a Division of Procurement and Diversity** under the direction of the County Executive, which shall be responsible for . . . **All purchases relating to information technology shall be submitted to the County's Chief Information Officer for review and approval prior to submission to the appropriate authority determined by county ordinance for the approval of contracts.**



## CHARTER REVIEW FORM

<b>Sponsor's Name:</b> Dale Miller
<b>Date Submitted:</b> March 27, 2012
<b>Sponsor's Phone:</b> (216) 698-2011
<b>Sponsor's Email:</b> <a href="mailto:damiller@cuyahogacounty.us">damiller@cuyahogacounty.us</a>
<b>GENERAL TOPIC (e.g. Council Redistricting)</b>
Composition, appointment, duties, and administration of the Board of Revision and Board of Revision Hearing Boards
<b>CHARTER SECTION(S) AFFECTED (e.g. Sections 3.04 (2) &amp; (3) – Council Districts)</b>
SECTION 6.02 BOARD OF REVISION
<b>CURRENT LANGUAGE OF SECTIONS AFFECTED</b>
<p><b>§ 6.02 Board of Revision</b></p> <p>There shall be one or more Boards of Revision, each consisting of three electors of the County. Two members of each board, who shall not be of the same political party, shall be appointed by the Council, and one member shall be appointed by the County Executive, each for a term of three years. Each Board of Revision shall exercise all duties of a county board of revision as prescribed by general law. The Council may provide for compensation for members of a Board of Revision.</p>
<b>SUMMARY AND RATIONALE FOR CHANGE</b>
<p>Serious issues have arisen regarding the composition, organization, and operation of the Board of Revision, and this amendment is designed to be a comprehensive update. The first thing that this amendment does, which the current language fails to do, is to distinguish between the statutory Board of Revision and the Hearing Boards. The Ohio Revised Code comprises the Board of Revision as the County Auditor, Treasurer, and one County Commissioner. Rather than making a literal translation of officers, this amendment tracks the ORC's intention of some separation of powers on the Board, and comprises it as the Executive, Fiscal Officer, and one member of Council, appointed by the Council President. The Council appointee serves a two</p>

year term, which expires on the off years from Council terms. The Council President is also given power to appoint for the unexpired term in the event of a vacancy. The amendment also provides that members of the statutory Board of Revision receive no additional compensation in addition to their regular compensation.

Like current language, the Board of Revision is given all the duties of Boards of Revision under state law, but is amended to read more broadly "powers and duties," and an exception is added to say that if the Charter provides anything different, the Charter provision would apply.

The second paragraph of the amendment clarifies authority for the administrative procedures of the Board of Revision, which is lacking in current language. The statutory Board of Revision is tasked to develop its own rules and procedures, consistent with the Charter and general law. The statutory Board is also directed to appoint an administrator and other assistants as needed for its operations, consistent with the County's operating budget. The Administrator is given responsibility for the office operations of the Board of Revision and the Hearing Boards, including setting the hearing schedules. The Board of Revision, with the assistance of the Fiscal Officer and the administrator of the Human Resources Commission (HRC) is directed to set compensation for the administrative staff, who are designated as unclassified employees. The administrator of the HRC, rather than the HRC itself, is designated, so that assistance may be provided without requiring formal HRC Board action.

The Board of Revision is then given the power to create and appoint members to one or more Hearing Boards. The Hearing Boards are given the same powers to hear complaints on property valuation as are given to board of revision hearing boards under general law, which means that a decision by the Hearing Board is the decision of the Board of Revision. Appeals would be to the courts and not to the Board of Revision.

The Board of Revision is directed to determine qualifications for Hearing Board members to insure that they are skilled in appraisal, real estate, and/or law, but the exact specifications are left to the Board of Revision. The political party limitation on Hearing Board composition found in current language is retained. The Board of Revision appoints the Hearing Board members, subject to confirmation by Council, with Council action required within 30 days. The Board of Revision is also given power, not expressed in current language, to make appointments for the unexpired term to fill vacancies, also subject to confirmation.

As in current language, the term for the Hearing Board members is for three years, but two exceptions are added. First, the Board of Revision is empowered to create temporary Hearing Boards with a term of up to one year to clear backlogs or anticipate heavy workloads. Second, the Board of Revision is directed to adjust Hearing Board terms so that the ending date of the various Hearing Boards is staggered. This should enable better planning and workload

management.

The Council, with the assistance of the Board of Revision and the administrator of the HRC is tasked to develop a compensation plan for Hearing Board members, but the Board of Revision itself will set the compensation for individual Hearing Board hires, within that plan. The Hearing Board members are designated as full time, unclassified employees of the Board of Revision. Finally, this amendment provides for removal of Hearing Board members. Such removal must be for cause, requires approval by the Board of Revision, and confirmation by Council.

**PROPOSED LANGUAGE (WITH DELETIONS CROSSED OUT AND ADDITIONS BOLDED)**

SECTION 6.02 BOARD OF REVISION

There shall be ~~one or more~~ **a Board** Boards of Revision, each consisting of three electors of the County. ~~Two members of each board, who shall not be of the same political party, shall be appointed by the Council, and one member shall be appointed by the County Executive, each for a term of three years.~~ **which shall consist of the County Executive, the Fiscal Officer, and one County Councilperson, who shall be appointed by the Council President to a two-year term, ending at the end of each odd-numbered calendar year, or for the remainder of a two year term if a vacancy occurs. The** Each Board of Revision shall exercise all **powers and** duties of a county board of revision as prescribed by general law, **except as otherwise provided in this Charter.** ~~The Council may provide for compensation for members of a Board of Revision.~~ **There shall be no additional compensation for members of the Board of Revision in addition to their regular compensation by the County.**

**The Board of Revision shall determine its own rules and procedures, consistent with this charter and general law and shall appoint an Administrator and such other assistants as it deems necessary for the efficient performance of its duties, consistent with the County's operating budget. The Administrator shall be responsible for the office operations of the Board of Revision and the Hearing Boards and shall set the hearing schedules for hearing of complaints regarding the valuation of real property. The Board of Revision, with the assistance of the Fiscal Officer and the administrator of the Human Resources Commission, shall determine compensation for its administrative staff, who shall be unclassified employees.**

**The Board of Revision may create one or more Hearing Boards, which shall have the same**

powers to hear and make decisions on complaints as to the value of real property that are given to board of revision hearing boards by general law. The Board of Revision shall establish qualifications for members of the Hearing Boards to insure that such members have experience and proven ability in the areas of appraisal, real estate and/or law. Each Hearing Board shall consist of three electors of the County, of which not more than two may be of the same political party, appointed by the Board of Revision, subject to confirmation by the Council. If a position on any Hearing Board becomes vacant, the Board of Revision shall appoint a new member for the remainder of the term in the same way that the original members were appointed. If the Council fails to act on the question of any such appointment within thirty days of the date that the Board of Revision submits such appointment to Council for its consideration, that appointment shall be deemed confirmed without further action by the Council.

Each Hearing Board member shall be appointed to a term of three years, except that in consultation with the Administrator, the Board of Revision may create one or more temporary Hearing Boards with a term of up to one year in order to clear backlogs or in anticipation of heavy workloads. The above provisions on length of term notwithstanding, the Board of Revision shall, if it appoints more than one Hearing Board, adjust the term of future appointments so that the ending dates of the various Hearing Boards are staggered, but the terms of all the members of any one Hearing Board end at the same time.

The Council, in consultation with the Board of Revision and the administrator of the Human Resources Commission, shall determine a compensation plan for members of the Hearing Boards, who shall be considered full-time unclassified employees of the Board of Revision. The Board of Revision may remove a member of a Hearing Board for cause, subject to confirmation by the Council, using the same confirmation process as for appointment.





## CHARTER REVIEW FORM

<b>Sponsor's Name:</b> Councilwoman Yvonne Conwell
<b>Date Submitted:</b> February 22, 2012
<b>Sponsor's Phone:</b> 216-698-2017
<b>Sponsor's Email:</b> yconwell@cuyahogacounty.us
<b>GENERAL TOPIC (e.g. Council Redistricting)</b>
Human Resource Commission Appointments
<b>CHARTER SECTION(S) AFFECTED (e.g. Sections 3.04 (2) &amp; (3) – Council Districts)</b>
9.01 Human Resource Commission
<b>CURRENT LANGUAGE OF SECTIONS AFFECTED</b>
<p>The County Executive, subject to confirmation by the Council, shall appoint the members of a Human Resource Commission, consisting of three electors of the County having experience in personnel matters or personnel administration and who are supportive of equal opportunity considerations. No more than two of the three members of the Human Resource Commission shall be members of the same political party. The Human Resource Commission shall be responsible for administering, for and in cooperation with the officers, agencies, boards and commissions of the County, an efficient and economical system for the employment of persons in the public service of the County according to merit and fitness. The County's human resources policies and systems, including ethics policies for County employees, shall be established by ordinance and shall be administered in such manner as will eliminate unnecessary expense and duplication of effort, while ensuring that persons will be employed in the public service without discrimination on the basis of race, color, religion, sex, national origin, sexual orientation, disability, age or ancestry.</p> <p>The term of office of each member of the Human Resource Commission shall be six years. The terms shall be staggered so that no term expires within less than two years of the expiration of any other term. The County Executive shall fill a vacancy occurring for an unexpired term in the same manner as a regular appointment.</p> <p>Of the terms of office for the initial appointees, one shall be appointed for a term of six years, one shall be appointed for a term of four years and one shall be appointed for a term of two years. The County Executive shall nominate the initial appointees to the Human Resource Commission not later than March 1, 2011 and thereafter within thirty days after the occurrence of a vacancy.</p> <p>No member of the Human Resource Commission shall hold any other public office or public employment with the County. The Council shall establish a per diem compensation for the members of the Human Resource Commission.</p>

The County Executive may remove any member of the Human Resource Commission for inefficiency, neglect of duty or malfeasance in office after notice and public hearing before the Council, provided that eight members of the Council concur.

#### **SUMMARY AND RATIONALE FOR CHANGE**

The Human Resource Commission (HRC) serves as the appeal board for the Executive's decisions regarding employee discipline, layoffs and other personnel related matters. Even though HRC members are appointed to terms and act as an independent Commission, because they are appointed by and can be removed upon an initial action by the Executive, this generates a potential conflict. To avoid this conflict, the Council alone should appoint and be able to remove HRC members.

#### **PROPOSED LANGUAGE (WITH DELETIONS CROSSED OUT AND ADDITIONS BOLDED)**

The ~~County Executive, subject to confirmation by the Council,~~ **Council** shall appoint the members of a Human Resource Commission, consisting of three electors of the County having experience in personnel matters or personnel administration and who are supportive of equal opportunity considerations. No more than two of the three members of the Human Resource Commission shall be members of the same political party. The Human Resource Commission shall be responsible for administering, for and in cooperation with the officers, agencies, boards and commissions of the County, an efficient and economical system for the employment of persons in the public service of the County according to merit and fitness. The County's human resources policies and systems, including ethics policies for County employees, shall be established by ordinance and shall be administered in such manner as will eliminate unnecessary expense and duplication of effort, while ensuring that persons will be employed in the public service without discrimination on the basis of race, color, religion, sex, national origin, sexual orientation, disability, age or ancestry.

The term of office of each member of the Human Resource Commission shall be six years. The terms shall be staggered so that no term expires within less than two years of the expiration of any other term. The ~~County Executive~~ **Council** shall fill a vacancy occurring for an unexpired term in the same manner as a regular appointment.

Of the terms of office for the initial appointees, one shall be appointed for a term of six years, one shall be appointed for a term of four years and one shall be appointed for a term of two years. The County Executive shall nominate the initial appointees to the Human Resource Commission not later than March 1, 2011 and thereafter within thirty days after the occurrence of a vacancy.

No member of the Human Resource Commission shall hold any other public office or public employment with the County. The Council shall establish a per diem compensation for the members of the Human Resource Commission.

The ~~County Executive~~ **Council** may remove any member of the Human Resource Commission for inefficiency, neglect of duty or malfeasance in office after notice and public hearing before the Council, provided that eight members of the Council concur.



## CHARTER REVIEW FORM

<b>Sponsor's Name:</b> Human Resource Commission
<b>Date Submitted:</b> March 29, 2012
<b>Sponsor's Phone:</b> 216-443-5675
<b>Sponsor's Email:</b> rkopcienski@gmail.com
<b>GENERAL TOPIC (e.g. Council Redistricting)</b>
The Human Resource Commission requests that language in the Charter which speaks to the Commission's authority and realm of responsibilities be clarified.
<b>CHARTER SECTION(S) AFFECTED (e.g. Sections 3.04 (2) &amp; (3) – Council Districts)</b>
Sections 9.01, 9.03 and 9.04
<b>CURRENT LANGUAGE OF SECTIONS AFFECTED</b>
In 9.01: "The HRC shall be responsible for administering, for and in cooperation with the officers, agencies, boards and commissions of the County, an efficient and economical system for the employment of persons <i>in the public service of the County.</i> " In 9.03: "The HRC shall administer a clear, <i>countywide</i> classification and salary administration system.", and "The classification system shall, to the extent permitted by the Ohio Constitution, include the employees of <i>all offices, officers, agencies, departments, boards, commissions or other public bodies, other than separate political subdivisions, that are supported in whole or in part from taxes levied, or other financial assistance provided, by the County.</i> " In 9.04: "No appointing authority shall appoint a person to fill a vacancy in the classified service who does not meet the qualifications for that position approved by the HRC."
<b>SUMMARY AND RATIONALE FOR CHANGE</b>
The Commission has considered various possible interpretations of these terms and phrases and requests clarification as to the intent of the scope of authority and responsibilities of the Commission.
<b>PROPOSED LANGUAGE (WITH DELETIONS CROSSED OUT AND ADDITIONS BOLDED)</b>

The Commission is not requesting specific language to be adopted, but only requests that the language in the Charter is clarified as to which entities are included in the Commission's scope of responsibility and authority.



## CHARTER REVIEW FORM

<b>Sponsor's Name:</b> Councilpersons Pernel Jones, Jr. and Dale Miller
<b>Date Submitted:</b> 2/15/12
<b>Sponsor's Phone:</b> Jones: (216) 698-2019 Miller: (216) 698-2011
<b>Sponsor's Email:</b> <a href="mailto:pjones@cuyahogacounty.us">pjones@cuyahogacounty.us</a> <a href="mailto:damiller@cuyahogacounty.us">damiller@cuyahogacounty.us</a>
<b>GENERAL TOPIC (e.g. Council Redistricting)</b>
Purchasing
<b>CHARTER SECTION(S) AFFECTED (e.g. Sections 3.04 (2) &amp; (3) – Council Districts)</b>
Amending section 10.01 & adding section 10.02
<b>CURRENT LANGUAGE OF SECTIONS AFFECTED</b>
SECTION 10.01 DEPARTMENT OF PURCHASING. There shall be a Department of Purchasing under the direction of the County Executive, which shall be responsible, except as otherwise provided by this Charter or by ordinance, and to the extent permitted by the Ohio Constitution, for the purchase of goods and services required by all offices, officers, agencies, departments, boards, commissions or other public bodies, other than separate political subdivisions, that are supported in whole or in part from taxes levied, or other financial assistance provided by the County.
<b>SUMMARY AND RATIONALE FOR CHANGE</b>
Following current practice, this amendment uses the name "Procurement and Diversity," rather than "Purchasing" to describe the county department that handles contracting and purchasing. The words "equitable, effective, and efficient" are added to describe the blended goals of the county's contracting and purchasing operation.  The Charter currently provides for the department, but does not provide for a Director, unlike the other Charter-mandated departments. This amendment adds new Article 10, Section 2 to provide for appointment, qualifications, and duties of the Director of Purchasing and Diversity and provides that the Director may report either directly to the Executive or to the Fiscal Officer, as determined by ordinance.
<b>PROPOSED LANGUAGE (WITH DELETIONS CROSSED OUT AND ADDITIONS BOLDED)</b>

**Section 10.01 Department of Purchasing Procurement and Diversity**

There shall be a Department of Purchasing **Procurement and Diversity** under the direction of the County Executive, which shall be responsible, except as otherwise provided by this Charter or by Ordinance, and to the extent permitted by the Ohio Constitution, for the **equitable, effective, and efficient** purchase of goods and services required by all offices, officers, agencies, departments, boards, commissions, or other public bodies, other than separate political subdivisions, that are supported in whole or in part from taxes levied, or other financial assistance by the County.

**Section 10.02 Director of Procurement and Diversity; Appointment, Duties, and Qualifications**

**The Director of Procurement and Diversity shall be appointed by the County Executive, subject to confirmation by the Council, shall be the head of the Department of Procurement and Diversity, and shall serve at the pleasure of the County Executive. The person so appointed shall have at least five (5) years of experience in the purchase of goods and services and contract administration in either the public or the private sector and at least two (2) years of upper-level management experience, preferably with responsibility for the purchase of goods and services and contract administration, in either the public or private sector. The Director of Procurement and Diversity shall report either to the County Executive directly or to the Fiscal Officer, as the Council shall provide by Ordinance.**



## CHARTER REVIEW FORM

<b>Sponsor's Name:</b> C. Ellen Connally
<b>Date Submitted:</b> 03/30/2012
<b>Sponsor's Phone:</b> 216-698-2023
<b>Sponsor's Email:</b> ceconnally@cuyahogacounty.us
<b>GENERAL TOPIC (e.g. Council Redistricting)</b>
Internal Auditing
<b>CHARTER SECTION(S) AFFECTED (e.g. Sections 3.04 (2) &amp; (3) – Council Districts)</b>
Sections 11.01 & 11.03
<b>CURRENT LANGUAGE OF SECTIONS AFFECTED</b>
<p><b>SECTION 11.01 COUNTY AUDIT COMMITTEE.</b>  The County Audit Committee shall provide internal auditing to assist the County Executive, Fiscal Officer, the Council, and other county officers and departments, institutions, boards, commissions, authorities, organizations, and agencies of the County government funded in whole or in part by County funds in providing taxpayers of the County with efficient and effective services. The County Audit Committee shall consist of the Fiscal Officer, who shall serve as chair of the committee, the County Executive, the President of Council and two residents of the County appointed by the County Executive and confirmed by Council. The County Audit Committee shall meet at least quarterly and shall oversee internal and external audits.</p> <p><b>SECTION 11.03 DIRECTOR OF INTERNAL AUDITING: APPOINTMENT, DUTIES AND QUALIFICATIONS.</b>  The Director of Internal Auditing shall be the head of the Department of Internal Auditing. The Director of Internal Auditing shall be a Certified Internal Auditor or member of the Institute of Internal Auditors or a similar successor organization and shall be subject to, and follow at all times, the Code of Ethics for Certified Internal Auditors or a similarly recognized code of ethics established by the Institute of Internal Auditors or a similar successor organization. The County Audit Committee shall recommend to the Council one or more candidates for appointment as the Director of Internal Auditing. The Council shall make the appointment, which shall be for a term of four years, or ending with the end of the term of office of the then County Executive, whichever comes first. The Director of Internal Auditing may be dismissed by the Council for cause, following a hearing at which the Director of Internal Auditing shall have had the opportunity to be represented by counsel and to present his or her case for retention in office. The Director of Internal Auditing shall interview and make recommendations for the hiring of staff for the Department of Internal Auditing to the County Audit Committee, which shall approve or reject such recommendations.</p>

**SUMMARY AND RATIONALE FOR CHANGE****Summary:**

The change to Section 11.01 staggers the terms of the appointed members of the County Audit Committee to end one year following the end of the term of the current County Executive and creates a procedure for removal and replacement of an appointed member of the County Audit Committee prior to the end of term. The change to Section 11.03 staggers the term of the Director of Internal Auditing to end two years following the end of the term of the current County Executive, and creates a procedure for appointing an Interim Director of Internal Auditing should there be a vacancy in the position prior to the end of term.

**Rationale:**

The purpose of this amendment is to reduce the probability of an interruption in the business of the County Audit Committee and the Department of Internal Auditing. The one-year gap between the end of the County Executive term and the appointed member term allows for a period of time during which a newly elected County Executive may find and vet candidates to appoint to the Committee. The two-year gap between the end of the County Executive term and the Director of Internal Auditing term allows for a year-long period of time during which a newly structured Audit Committee can find and vet candidates for the Director position. The ex officio members of the Committee will transfer automatically, negating any need for terms or staggering of their terms.

**PROPOSED LANGUAGE (WITH DELETIONS CROSSED OUT AND ADDITIONS BOLDED)****SECTION 11.01 COUNTY AUDIT COMMITTEE.**

The County Audit Committee shall provide internal auditing to assist the County Executive, Fiscal Officer, the Council, and other county officers and departments, institutions, boards, commissions, authorities, organizations, and agencies of the County government funded in whole or in part by County funds in providing taxpayers of the County with efficient and effective services. The County Audit Committee shall consist of the Fiscal Officer, who shall serve as chair of the committee, the County Executive, the President of Council and two residents of the County appointed by the County Executive and confirmed by **Council for a term ending one year following the end of the term of office of the then County Executive. Upon a vacancy of an appointed position on the County Audit Committee, the County Executive shall appoint a replacement to full the incomplete term, subject to confirmation by Council. An appointed member of the County Audit Committee may be removed at the request of a majority of the County Audit Committee, subject to confirmation by Council.** The County Audit Committee shall meet at least quarterly and shall oversee internal and external audits.

**SECTION 11.03 DIRECTOR OF INTERNAL AUDITING: APPOINTMENT, DUTIES AND QUALIFICATIONS.**

The Director of Internal Auditing shall be the head of the Department of Internal Auditing. The Director of Internal Auditing shall be a Certified Internal Auditor or member of the Institute of Internal Auditors or a similar successor organization and shall be subject to, and follow at all times, the Code of Ethics for Certified Internal Auditors or a similarly recognized code of ethics established by the Institute of Internal Auditors or a similar successor organization. The County Audit Committee shall recommend to the Council one or more candidates for appointment as the Director of Internal Auditing. The Council shall make the appointment, which shall be ~~for a term of four years, or ending with the end of the term of office of the then County Executive, whichever comes first~~ **end two years following the end of the term of office of the then County Executive.** The Director of Internal Auditing may be dismissed by the Council for cause, following a hearing at which the Director of Internal Auditing shall have had the opportunity to be represented by counsel and to present his or her case for retention in office. **In the case of a vacancy prior to the end of the appointed term of the Director of Internal Auditing, the County Audit Committee shall recommend to the Council one or more candidates for appointment as Director of Internal Auditing to fill the incomplete term.** The Director of Internal Auditing shall interview and make recommendations for the hiring of staff for the Department of Internal Auditing to the County Audit Committee, which shall approve or reject such recommendations.





## CHARTER REVIEW FORM

<b>Sponsor's Name:</b> Law Director on behalf of County Executive/HR Director
<b>Date Submitted:</b> April 2, 2012
<b>Sponsor's Phone:</b> 698-6549
<b>Sponsor's Email:</b> mmakhlouf@cuyahogacounty.us
<b>GENERAL TOPIC (e.g. Council Redistricting)</b>
Establishing the Independent Agency of Inspector General
<b>CHARTER SECTION(S) AFFECTED (e.g. Sections 3.04 (2) &amp; (3) – Council Districts)</b>
<b>CURRENT LANGUAGE OF SECTIONS AFFECTED</b>
<b>SUMMARY AND RATIONALE FOR CHANGE</b>
Creating the independent Agency of Inspector General
<b>PROPOSED LANGUAGE (WITH DELETIONS CROSSED OUT AND ADDITIONS BOLDED)</b>
Add the following new section to the Charter:
<b>SECTION 14.01 AGENCY OF INSPECTOR GENERAL</b>
The County's Agency of Inspector General shall serve as the County's chief ethics officer and shall have all powers and duties to investigate fraud, corruption, waste, abuse, misfeasance, malfeasance, and nonfeasance, including the power and duties to investigate all county contracts, without interruption from any other public official or employee. The Inspector General shall have the independent power to issue subpoenas and to conduct sworn examinations and depositions as necessary for the Agency to conduct its functions.
<b>14.01(1) Initial Term, Appointment, Term, and Removal of the Inspector General</b>
(a) The initial term of the Inspector General shall continue until June 30, 2016, and the incumbent Inspector General shall have the right to continue to serve as the County's first Inspector General

without any further action needed until June 30, 2016. Effective July 1, 2016, the Inspector General shall be appointed by the County Executive, subject to confirmation by County Council, for five-year terms.

(b) In the case of a vacancy in the position of Inspector General, the Executive shall appoint a successor Inspector General, subject to confirmation of Council, to fill the remaining term of the Inspector General. The Deputy Inspector General shall serve as the Acting Inspector General during any vacancy.

(c) The County Executive may remove the Inspector General from office for inefficiency, neglect of duty, or malfeasance in office after notice and public hearing before the Council, provided that eight members of the Council concur. The County Council may remove the Inspector General from office after notice and a public hearing before the Council, provided that the eleven members of the Council concur.

**14.01(2) Contracting with other Entities**

The County shall have the right to contract on behalf of the Agency of Inspector General to have the Agency of Inspector General provide similar services to any other entities, county hospitals, agencies, authorities, municipalities, districts, or political subdivisions.

**14.01(3) Confidential Investigatory Files.**

Without regard to how such documents are received by the Agency, all documents prepared or received by the Agency of the Inspector General, including, but not limited to, all complaints, tips, hotline messages, and any other filings and submittals received by the Agency shall be considered part of the Inspector General confidential investigatory files. Such records shall be exempt from disclosure until the matter is concluded and the investigation is closed by the Inspector General and any other investigatory agencies with jurisdiction over the matter.

**14.01(4) Agency of Inspector General's Budget, Facilities, Furniture, Equipment, and Software.**

(a) The County Council shall appropriate funds for the Agency of Inspector General sufficient for the Agency to exercise its powers and duties as established herein. The budget of the Agency of Inspector General shall be based on a fixed formula established by county ordinance in order to ensure that the Agency can function without political interference. If the County Council fails to appropriate the necessary funds for the Agency to carry out its functions as provided herein, the Agency shall have the right to institute legal action in court to compel the County to appropriate the necessary funds for its operations.

(b) The County shall provide the Agency of Inspector General with appropriately located office space and sufficient physical facilities, including office furniture, equipment, and software commensurate with other County departments of similar size and needs.

**14.01(5) Limitations on the Agency of Inspector General**

(a) The Inspector General shall not interfere with any ongoing criminal, administrative, civil, or such other investigation or prosecution in the performance of his/her duties.

(b) The Inspector General shall manage the Agency and conduct all investigations in a manner that protects the constitutional and civil rights of any person who is the subject of an investigation as well as the constitutional and civil rights of any potential witnesses.