

**STATE OF OHIO  
COUNTY OF CUYAHOGA**

**AN ORDINANCE TO ESTABLISH IN CUYAHOGA COUNTY, OHIO A  
DEFINITIONS, FUNCTIONS, AUTHORITY AND POWERS OF THE  
CUYAHOGA COUNTY INSPECTOR GENERAL AND FOR OTHER PURPOSES**

**WHEREAS**, Article III, Sec. 3.09 of the Charter of the Cuyahoga County, Ohio (the "County") empowers the County with legislative power to introduce, enact and amend ordinances and resolutions within the legislative power of the County, and

**WHEREAS**, the County wishes to adopt definitions, functions, authority and powers for the Cuyahoga County Inspector General; and

**NOW, THEREFORE**, the County Executive and County Council, pursuant to their authority, do hereby adopt this Ordinance to supersede any and all previous ethics or related ordinances heretofore enacted by Cuyahoga County, Ohio.

Sec. 1-100. Definitions.

The following words, terms and phrases, when used in this ordinance, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*County* shall mean the Charter Government of Cuyahoga County.

*Council* shall mean the County Council of Cuyahoga County

*Inspector General* shall mean the Cuyahoga County office of Inspector General created pursuant to this ordinance.

Section 2-100. Cuyahoga County Office of Inspector General Created and Established

There is hereby established the Cuyahoga County Office of Inspector General which is created in order to detect misconduct involving abuse, corruption, fraud, waste, inefficiencies, and mismanagement by elected and appointed County officials and employees, county agencies and instrumentalities, contractors, and other parties doing business with the Charter Government of Cuyahoga County and/or receiving Cuyahoga County funds. The Inspector General shall head the Office of Inspector General. The organization and administration of the Office of Inspector General shall be independent to assure that no interference or influence external to the Office of Inspector General adversely affects the independence and objectivity of the Inspector General.

Section 3-100 Functions, Authority and Powers.

- i. The Inspector General shall have the authority to:
  - a. make investigations of County matters and publish the results of such investigations
  - b. review and audit past, present and proposed county programs, accounts, records,

- contracts, change orders and transactions; and
- c. prepare reports and recommendations to the County Council based on such investigations. All elected and appointed County officials and employees, County agencies and instrumentalities, contractors and other parties doing business with the County and/or receiving county funds shall fully cooperate with the Inspector General.
  - ii. The Inspector General shall have the power to conduct audits of, require reports from, and receive full and unrestricted access to the records of the County Council, County Executive, all elected and appointed County officials and employees, County departments, divisions, agencies and instrumentalities, contractors and other persons and entities doing business with the County and/or receiving County funds regarding any such contracts or transactions with the County. The Inspector General's jurisdiction includes but shall not be limited to all projects, programs, contracts or transactions that are funded in whole or in part by the County. The Inspector General may contract with outside entities deemed necessary to perform the functions of that office. This subsection shall not apply to collective bargaining agreements.
  - iii. In the case of a refusal to obey a request by the Inspector General for documents or for an interview, the Inspector General shall have the power to subpoena witnesses, administer oaths, and require the production of records. Seventy-two hours prior to serving a subpoena, the Inspector General shall provide written notice to the State Attorney General and the U.S. Attorney for the Northern District of Ohio. The Inspector General shall not interfere with any ongoing criminal investigation or prosecution of the State Attorney General or U.S. Attorney for the Northern District of Ohio. When the State Attorney General or U.S. Attorney for the Northern District of Ohio has explicitly notified the Inspector General in writing that the Inspector General's investigation is interfering with an ongoing criminal investigation or prosecution, the Inspector General shall suspend service of subpoena, examination of witnesses, or other investigative activities as set forth in the notice. In the case of a refusal to obey a subpoena served to any person, the Inspector General may make application to any circuit court of this State which shall have jurisdiction to order the witness to appear before the Inspector General and to produce evidence if so ordered, or to give testimony touching on the matter in question.
  - iv. Pursuant to the County Charter, the costs associated with the Inspector General's office shall be allocated from the General Fund Budget and shall be calculated to be equal to one quarter of one percent (0.25%) of the contract price (hereinafter "IG contract allocation") of each county contract. The IG contract allocation shall not apply to the following county contracts:
    - a. Contracts for legal services;
    - b. Auditing contracts;
    - c. Federal, state and local government-funded grants; and
    - d. Interlocal/Intergovernmental agreements.

Notwithstanding the foregoing, the County Council may authorize the inclusion of the IG contract allocation in any contract. Nothing contained in this subsection shall in any way limit the power of the Inspector General provided for in this ordinance to perform audits,

inspections, reviews and investigations on all County contracts including, but not limited to, those contracts specifically exempted from the IG contract allocation.

- v. Where the Inspector General suspects a possible violation of any state, federal or local law, or rule, regulation or policy, he or she shall notify the appropriate civil, criminal or administrative agencies charge with enforcement of said violation. In the case of a possible violation of a rule, regulation or policy governing a County employee, the Inspector General shall also notify the County Executive and the head of the Department for which the employee works. After referring the matter to the appropriate entity for fact-finding, the Inspector General may assist the entity in conducting the investigation.
- vi. The Inspector General shall have the power without limitation to audit, investigate, monitor, inspect and review the operations, activities, performance, and procurement processes including, but not limited to, establishment of bid specifications, bid submittals, activities of the contractor, its officers, agents and employees, lobbyists, County staff, and officials in order to ensure compliance with contract specifications and detect corruption and fraud.
- vii. The Inspector General shall have the power to receive, review and investigate any complaints regarding County-funded projects, programs, contracts or transactions. The Inspector General shall establish a “hotline” and website to receive complaints, from either anonymous or identified persons.
- viii. The Inspector General may exercise any of the powers contained in this ordinance upon his or her own initiative.
- ix. The Inspector General shall be notified in writing prior to any meeting of a selection committee where any matter relating to the procurement of goods or services by the County is to be discussed. The notice required by this subsection shall be given to the Inspector General as soon as possible after a meeting has been scheduled, but in no event later than one business day prior to the scheduled meeting. The Inspector General may, at his or her discretion, attend all duly noticed County meetings relating to the procurement of goods or services as provided herein, and may pose questions and raise concerns consistent with the functions, authority and powers of the Inspector General.
- x. It is anticipated that Cuyahoga County Officers and the local School Boards of Cuyahoga County, municipalities, special districts, and other public officials and entities within Cuyahoga County, will recognize and desire to benefit from the services of the Office of Inspector General. The Inspector General may negotiate agreements or memoranda of understanding with other public entities within Cuyahoga County which would authorize the Inspector General to exercise any and all authority, function and powers set forth in this ordinance for the benefit of such public entities. The memorandum of understanding or agreement shall include a provision for fees to be paid to the Inspector General from the public entity in exchange for such benefits. Such fee shall be based on a rate established by the Inspector General and shall include, but not be limited to, the IG contract fee. Any such agreement or memorandum of understanding shall be scheduled for a public hearing before the Cuyahoga County Council before said agreement is effective.



- xi. The Inspector General's records related to active investigations are confidential and exempt from disclosure, as provided Ohio Statutes.
- xii. The Inspector General is considered "an appropriate local official" of the County or any body as provided in Section 3-100(x) that contracts with the Inspector General for purposes of whistleblower protection provided by Ohio Statutes.
- xiii. The Inspector General may recommend remedial actions and may provide prevention and training services to County officials, employees, and any other persons covered by this ordinance. The Inspector General may follow up to determine whether recommended remedial actions have been taken.
- xiv. The Inspector General shall establish policies and procedures and monitor the costs of investigations undertaken. The Inspector General shall cooperate with other governmental agencies to recover such costs from other entities involved in willful misconduct in regard to County funds.
- xv. Nothing herein shall abridge employees' constitutional right to collective bargaining.

Section 4-100 Minimum Qualifications, Selection and Term of Office (pursuant to the County Charter)

- i. Minimum qualifications. Pursuant to the County Charter, the Inspector General shall be a person who:
  - a. Has at least ten (10) years of experience in any one or a combination of the following fields:
    - a. as a federal, state or local law enforcement officer/official;
    - b. as a federal or state court judge;
    - c. as a federal, state or local government attorney with expertise in investigating fraud, mismanagement and corruption;
    - d. as an inspector general, certified public accountant, or internal auditor;
    - e. as a person with progressive supervisory and managerial experience in an investigative public agency similar to an inspector general's office;
    - f. has managed and completed complex investigations involving allegations of fraud, theft, deception or conspiracy;
    - g. has demonstrated the ability to work with local, state and federal law enforcement agencies and the judiciary;
    - h. has a four-year degree from an accredited institution of higher learning;
    - i. has not been employed by Cuyahoga County or any other governmental entity subject to the authority of the Inspector General Office during the two-year period immediately prior to selection;
    - j. Highly qualified candidates will also have audit-related skills and/or hold one or more of the following professional certifications at the time of selection: certified inspector general (CIG), certified inspector general investigator (CIGI), certified inspector general auditor (CIGA), certified public accountant (CPA), certified internal auditor (CIA), or certified fraud examiner (CFE).
- ii. Selection. Pursuant to the County Charter, Responsibility for selecting the

Inspector General shall be vested solely with the Inspector General Selection Committee (“Selection Committee”). The Selection Committee shall be comprised of one person from each of the following:

- i. Ohio State Bar Association
- ii. Ohio Society of Certified Public Accountants
- iii. Cuyahoga County Prosecuting Attorney
- iv. Ohio Inspector General or his/her designee
- v. Ohio State Auditor or his/her designee

iii. The persons chosen pursuant to (a). and (b). above shall not meet the definition of lobbyist either by county ordinance nor state law. No member of the Selection Committee or candidate for Inspector General shall be a current or former elected or appointed official or employee of any local government within of by Cuyahoga County. The chairperson of the Selection Committee shall be selected by the members of the Selection Committee and the Selection Committee shall determine their own rules of procedure. After thoroughly reviewing qualifications, background information, and personal and professional referrals, the Selection Committee shall notify the Cuyahoga County Executive of its selection. The County Prosecutor shall assist the selected Inspector General.

iv. Initial Selection. Within thirty (30) days of the effective date of this ordinance, the Human Resources Department of the County shall solicit qualified candidates. Within one hundred and twenty (120) days of the effective date of this ordinance, the Selection Committee shall in good faith endeavor to select the Inspector General.

v. Staffing of Selection Committee. The Human Resources Department of Cuyahoga County shall provide staff to the Selection Committee and as necessary shall advertise the acceptance of resumes for the position of Inspector General. All resumes received by the Human Resources Division will be forwarded to the Selection Committee for consideration. The Human Resources Division shall contract with an appropriate entity to ensure that background checks are conducted on the candidates selected for interview by the Selection Committee. The results of the background checks shall be provided to the Selection Committee prior to the interview of candidates. All advertisements for the acceptance of resumes for Inspector General shall include a salary range commensurate with public officials of like experience and expertise.

vi. Term. The Inspector General shall serve for a term of four (4) years. At least six (6) months prior to the end of each contract term, the Selection Committee will determine whether or not to renew the contract for an additional term of four (4) years, and shall promptly notify the Inspector General of its decision. In the event the Selection Committee elects not to renew the contract, the Selection Committee shall promptly convene as necessary to solicit candidates for the selection of a new Inspector General. The incumbent Inspector General may submit his or her name as a candidate to be considered for selection. The incumbent Inspector General shall serve until a successor is selected and assumes office.

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- vii. Vacancy. In case of a vacancy in the position of Inspector General, the chair of the Selection Committee may appoint a member of the Inspector General's Office as interim Inspector General within ten (10) days of vacancy occurring, until such time as a successor Inspector General is selected and assumes office. The solicitation for qualified candidates for selection should be published within twenty (20) days, but no later than forty (40) days of the date the vacancy occurs; and (b) the Selection Committee must in good faith endeavor to convene and select an Inspector General within ninety (90) days of the date the vacancy occurs.

Section 5-100 - Contract

- i. The Selection Committee, with the assistance of the Director of Law of Cuyahoga County shall negotiate a contract of employment with the Inspector General substantially consistent with the terms included in contracts of other contractual employees of Cuyahoga County. The Inspector General shall be paid at a rate commensurate with public officials of like experience and expertise. Before the Selection Committee approves a contract for the Inspector General, a public hearing for same shall be scheduled by the Cuyahoga County Council. The contract will cover the four-year term subject to the removal provisions. The contract shall include a provision requiring the Selection Committee to provide notice of its decision to renew or not to renew the contract at least six (6) months prior to the termination of the contract. The contract shall provide that the Inspector General may not represent a political party or be on any executive committee thereof, or seek public office during his or her term of service or for four (4) years thereafter. The foregoing limitation does not include seeking selection as Inspector General for a subsequent term. The contract shall further provide that the Inspector General may not be a lobbyist, as defined in Cuyahoga County ordinances or Ohio law for two years after term of service.

Section 6-100 - Physical Facilities and Staff

- i. Pursuant to the County Charter, the County shall provide the Office of Inspector General with appropriately located office space and sufficient physical facilities together with necessary office supplies, equipment and furnishings to enable the Inspector General to perform his or her functions.
- ii. Pursuant to the County Charter, the Inspector General shall have the power to appoint, employ, and remove such assistants, employees and personnel, and establish personnel procedures as deemed necessary for the efficient and effective administration of the activities of the Office of Inspector General.

Section 7-100 - Procedure for Finalization of Reports and Recommendations which make findings as to the person or entity being reviewed or Inspected.

- i. The Inspector General shall publish and deliver finalized reports and recommendations to the Cuyahoga County Council and the offices represented on the Selection Committee referenced in this ordinance. Notwithstanding any other

provision of this ordinance, whenever the Inspector General determines that it is appropriate to publish and deliver a report or recommendation which contains findings as to the person or entity being reported on or who is the subject of the recommendation, the Inspector General shall provide the affected person or entity a copy of the report or recommendation. Such person or entity shall have fifteen (15) working days to submit a written explanation or rebuttal of the findings before the report or recommendation is finalized. Such timely submitted written explanation or rebuttal shall be attached to the finalized report or recommendation. The requirements of this subsection shall not apply when the Inspector General, in conjunction with the State Attorney General or U.S. Attorney, determines that supplying the affected person or entity with such report will jeopardize a pending criminal investigation.

Section 8-100 - Reporting.

- i. The Inspector General shall annually prepare and publish a written report concerning the work and activities of the Office of Inspector General including, but not limited to, statistical information regarding the disposition of closed investigations, audits and other reviews. The annual report of the Inspector General shall be posted promptly on Cuyahoga County's public website.

Section 9-100 - Financial Support and Budgeting.

- i. Pursuant to its annual budget process, the Cuyahoga County Council shall provide sufficient financial support for the Inspector General's Office to fulfill its duties as set forth in this ordinance. In order to ensure adequate funding for the prompt establishment of the Inspector General, the County Council of Cuyahoga County shall approve an amount equal to six months of the Inspector General initial budget. The Inspector General shall timely deliver to the County Council a budget including a reasonable estimate of operating and capital expenditures of the Inspector General's Office and shall include revenues, including, but not limited to, projected IG contract allocation revenue to be collected from the County and any other participating local governments and public agencies. The Inspector General's budget shall not be implemented until a public hearing is held by the Cuyahoga County Council. The Inspector General shall establish a fiscal year which coincides with that of Cuyahoga County. Nothing contained herein shall be construed to prohibit the Inspector General from transmitting to the Cuyahoga County Council supplemental budget requests, which shall be scheduled for a public hearing and if approved by the Commission, shall constitute amendments to the county budget.

Section 10-100 Removal.

- i. The Inspector General may be removed only for cause based upon specified charges of the following: neglect of duty, abuse of power or authority, discrimination, or ethical misconduct. The removal process shall be initiated at a duly noticed public hearing of the Selection Committee. An affirmative vote of three members of the Selection Committee shall be required to present the Inspector General with the charges and to proceed to final public hearings. The Selection Committee shall transmit a copy of the charges to the Inspector General at least sixty (60) days prior

to all final public hearings which shall be convened by the Selection Committee. The Inspector General shall have an opportunity to be heard in person and by counsel at the final public hearings prior to the votes being taken on his or her removal. The Inspector General may only be removed upon the affirmative vote of all members of the Selection Committee. A record of the proceedings, together with the charges and findings thereon, shall be filed with the County Executive of Cuyahoga County. The Inspector General shall be removed without a public hearing in the event the Inspector General is convicted of or enters a guilty plea or nolo contendere plea to a state or federal felony.

**SO ORDAINED**, this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

Approved:

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

Attest:

\_\_\_\_\_  
County Clerk

(Seal)

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