RESOLUTION NO. 2014-283

SPONSOR Mr. Pry, pursuant to the recommendation of the Charter Review Commission

DATE June 30, 2014 COMMITTEE Rules

An amended Resolution submitting to the electors of the County of Summit at the November 4, 2014 general election a proposed charter amendment, as recommended by the 2013-2014 Charter Review Commission, adopting a new Article VIII of the Summit County Charter to consolidate information technology and data processing operations in Summit County government by creating a County Information Technology Board and a Department of Information Technology, for the Charter Review Commission, and declaring an emergency.

WHEREAS, Section 3, Article X of the Ohio Constitution provides that “[t]he people of any county may frame and adopt . . . a charter . . .:” and

WHEREAS, the voters of the County of Summit approved the adoption of the County Charter on November 6, 1979; and

WHEREAS, Article V, Section 5.06 of the County Charter provides that “[p]roposed amendments to [the] Charter shall be submitted to the electors of the County by a vote of at least two-thirds of the members of the County Council . . .:” and

WHEREAS, Article V, Section 5.03 of the Charter provides for a nine member Charter Review Commission to meet in September 2003 and every five years thereafter to review the Charter and make recommendations concerning the amendment of the Charter; and

WHEREAS, this Council previously adopted Motion 029-2013, which confirmed the appointments of Mr. Patrick J. Darrow, Mr. Richard E. Dobbins, Ms. Laraine Duncan, Mr. Daniel R. Flowers, Ms. Helen J. Humphrys, Mr. Kyle Kutuchief, Ms. Angelina Milo, Mr. Carmen V. Roberto and Mr. Cazzell M. Smith to the 2013-2014 Charter Review Commission; and

WHEREAS, the Commission met from September 26, 2013, through May 6, 2014, and produced a Final Report recommending two amendments to the Charter, including the amendment that is proposed by this Resolution; and

WHEREAS, in its Final Report, submitted to this Council on June 9, 2014, the Charter Review Commission recommends the amendment of the Charter to adopt a new Article VIII of the Charter to consolidate information technology and data processing operations in Summit County government by creating a County Information Technology Board and a Department of Technology; and

WHEREAS, this Council finds and determines, after reviewing all pertinent information, that it is necessary and in the best interest of the County of Summit to adopt the Commission’s recommendation and that the citizens of the County should be permitted to decide at the November 4, 2014 general election whether to amend the Charter to adopt Article VIII of the Charter to create a County Information Technology Board and a Department of Information Technology;
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NOW, THEREFORE, BE IT RESOLVED by the Council of the County of Summit, State of Ohio, two-thirds of all the members elected thereto concurring, that:

SECTION 1

The following question as to whether the Charter of the County of Summit shall be amended, as set forth herein, shall be submitted to the electors of the County of Summit at the general election to be held November 4, 2014.

SECTION 2

The ballot form for this question shall be as follows:

________________________________________

PROPOSED AMENDMENT TO COUNTY CHARTER

A majority affirmative vote is necessary for passage.

(Vote ballot with “X”)

Shall the Charter of the County of Summit be amended to consolidate information technology and data processing operations in Summit County government by creating a County Information Technology Board and a Department of Information Technology?

FOR THE AMENDMENT ______

AGAINST THE AMENDMENT ______

________________________________________

SECTION 3

If approved by the electors of the County of Summit, The Charter of the County of Summit, is hereby amended to add new Article VIII, entitled “County Information Technology Board,” as follows:

“ARTICLE VIII

COUNTY INFORMATION TECHNOLOGY BOARD

SECTION 8.01 COUNTY INFORMATION TECHNOLOGY BOARD.

There is hereby created a County Information Technology Board whose purpose is to oversee planning, acquiring, integrating, implementing and operating data processing and information systems technology, including, but not limited to, hardware, software and network,
SECTION 3 (Cont.)

used by all County elected office holders, appointing authorities, offices, departments, boards, commissions, and agencies of the County of Summit funded in whole or in part with County funds. The Board shall consist of the County Executive, the President of County Council, the County Fiscal Officer, Clerk of the Court of Common Pleas, County Engineer, County Sheriff and County Prosecuting Attorney, or their designees.

SECTION 8.02 AUTHORITY OF THE COUNTY INFORMATION TECHNOLOGY BOARD.

The powers and duties to be exercised by the Board include, but are not limited to, the following:

(1) To make develop a work plan on an annual basis, and to develop all policies, procedures and standards, for planning, acquiring, integrating, implementing and operating data processing and information systems technology, including, but not limited to, hardware, software and network, which shall be followed by the Department of Information Technology, and which shall, at a minimum, ensure that all appointing authorities, offices, departments, boards, commissions and agencies are adequately supported in their information systems technology and data processing needs to meet any obligations imposed by the Ohio Revised Code, this Charter, the Codified Ordinances of the County of Summit, or any other applicable federal, state or local law.

(2) To establish and amend the classification and job description for the Chief Information Officer, and all other employees of the Chief Information Officer, subject to the approval of the County Council.

(3) To hire or dismiss the Chief Information Officer, and all other employees of the Department of Information Technology.

(4) To oversee the Department of Information Technology.

(5) To oversee, and to recommend all contracts to the Executive for, the planning, acquisition, implementation and operation of all data processing and information systems technology by the Department of Information Technology, subject to the exceptions in Section 8.023 of this Article, and the Board’s decision shall be binding.

(6) To charge back through an internal service fund County elected office holders, appointing authorities, offices, departments, boards, commissions, and agencies of the County of Summit funded in whole or in part with County funds in order to account for the financing on a cost-reimbursement basis of information technology goods or services provided by the Department of Information Technology to said offices, boards, commissions and agencies.

SECTION 8.03 DEPARTMENT OF INFORMATION TECHNOLOGY.

There shall be a Department of Information Technology under the authority of the County Information Technology Board that shall carry out the Board’s purposes through the exercise of the powers delegated to it and that shall make recommendations to the Board for its consideration and disposition. At a minimum, the Department of Information Technology shall provide the necessary information systems technology and data processing support to all elected officeholders, appointing authorities, offices, departments, boards, commissions and agencies to ensure that any obligations imposed by the Ohio Revised Code, this Charter, the Codified Ordinances of the County of Summit, or any other applicable federal, state or local law are met.
Any employee of any elected officeholder, appointing authority, department, board, commission or agency of the County of Summit, who, at the time of the adoption of this Article, and in the determination of the Human Resource Commission, is in a position whose job description involves the planning, acquiring, implementing or operating of data processing and information systems technology, shall immediately be transferred to the Department of Information Technology at compensation no less than received at the time of the adoption of this Article, and, commencing with the adoption of this Article, only the Department of Information Technology may employ any employee whose job description involves planning, acquiring, implementing or operating data processing and information systems technology. No other County elected officeholder, appointing authority, department, board, commission or agency of the County of Summit funded in whole or in part with County funds may employ or contract with any person or entity whose job description or contract would involve planning, acquiring, implementing or operating data processing and information systems technology or purchasing or providing information systems technology equipment, provided however, that this provision shall not apply to the Department of Job and Family Services or the Child Support Enforcement Agency.

The Chief Information Officer shall assign to any elected officeholder, appointing authority, department, board, commission or agency, who so reasonably requests, suitable employees of the Department of Information Technology for the purpose of developing software and/or applications to improve the business processes for that elected officeholder, appointing authority, department, board, commission or agency. Any employee assigned in this manner shall remain an employee of the Department of Information Technology and report to the Chief Information Officer, but shall take additional direction from the elected official, appointing authority, department, board, commission or agency on the business needs, business processes and the corresponding development of software and applications for that elected officeholder, appointing authority, department, board, commission or agency.

The Board shall be authorized to enter into a contract, subject to the approval of County Council and execution by the County Executive, with any office, department, board, commission or agency of the County of Summit not governed by the County Charter or with another Ohio political subdivision to provide information technology goods and services through the Department of Information Technology. Prior to adoption of any contract on behalf of the Information Technology Department or Board, it shall be reviewed and approved by the Department of Law, Insurance and Risk Management.

In the event an elected officeholder, appointing authority, office, department, board, commission or agency believes that the Department of Information Technology is not providing the necessary information technology or data processing support to meet its obligations imposed by the Ohio Revised Code, this Charter, the Codified Ordinances of the County of Summit, or any other applicable federal, state or local law, it may petition the County Council for the authority to employ or contract with any person to, on its behalf, engage in planning, acquiring, implementing or operating data processing and information systems technology or purchasing or providing information systems technology equipment. Any such petition may be approved by a two-thirds affirmative vote of County Council determining that the same is necessary, subject to any veto by the Executive, and provided that any such contract is subject to execution by the Executive.
SECTION 8.04 CHIEF INFORMATION OFFICER.
There shall be a Chief Information Officer who shall head the Department of Information Technology. The Chief Information Officer shall meet the requirements set forth in the classification and job description established by the County Information Technology Board. The County Information Technology Board shall hire or dismiss the Chief Information Officer. The Chief Information Officer shall interview and make recommendations for the hiring of staff for the Department of Information Technology to the Board, which shall approve or reject such recommendations. The Board shall be the appointing authority for the Chief Information Officer, who shall serve at the pleasure of the Board.

SECTION 8.05 EFFECTIVE DATE.
This Article shall be effective December 15, 2014, for purposes of convening the County Information Technology Board. The County Information Technology Board shall adopt rules and regulations for the Board and in conjunction with the Department of Human Resources, shall establish a classification and job description for the position of Chief Information Officer by May 15, 2015. The County Information and Technology Board shall hire the Chief Information Officer by July 1, 2015.”

SECTION 4

The Clerk of Council shall certify the question set forth herein to the Board of Elections of the County of Summit no later than the ninetieth day prior to the General Election of November 4, 2014.

SECTION 5

Notice of the proposed amendment set forth herein shall be given by the Clerk of Council by publishing the full text of the proposed amendment once a week for at least two (2) consecutive weeks in a newspaper published in the County as set forth in Section 307.70 of the Ohio Revised Code.

SECTION 6

This Resolution is hereby declared an emergency in the interest of the health, safety, and welfare of the citizens of the County of Summit, and for the further purpose of ensure that this Resolution takes effect before the Board of Elections' deadline for submitting the proposed Charter Amendment.

SECTION 7

Provided that this Resolution receives the affirmative vote of eight (8) members, it shall take effect immediately upon its adoption and approval by the Executive; otherwise, it shall take effect and be in force at the earliest time provided by law.
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SECTION 8

It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Resolution were adopted in an open meeting of this 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.

INTRODUCED June 9, 2014

ADOPTED June 30, 2014

CLERK OF COUNCIL

APPROVED July 1, 2014

EXECUTIVE

PRESIDENT OF COUNCIL

Voice Vote: 10-0 YES: Comunale, Crawford, Feeman, Kostandaras, Kurt, Lee, Rodgers, Roemer, Schmidt, Shapiro

ABSENT: Prentice

ENACTED EFFECTIVE July 1, 2014