

1 RESOLUTION NO. 2014-283

2
3 SPONSOR Mr. Pry, pursuant to the recommendation of the Charter Review Commission

4
5 DATE June 30, 2014 COMMITTEE Rules

6
7 **An amended Resolution submitting to the electors of the County of Summit at the**
8 **November 4, 2014 general election a proposed charter amendment, as recommended by the**
9 **2013-2014 Charter Review Commission, adopting a new Article VIII of the Summit County**
10 **Charter to consolidate information technology and data processing operations in Summit**
11 **County government by creating a County Information Technology Board and a**
12 **Department of Information Technology, for the Charter Review Commission, and**
13 **declaring an emergency.**

14
15 WHEREAS, Section 3, Article X of the Ohio Constitution provides that “[t]he people of
16 any county may frame and adopt . . . a charter . . .;” and

17
18 WHEREAS, the voters of the County of Summit approved the adoption of the County
19 Charter on November 6, 1979; and

20
21 WHEREAS, Article V, Section 5.06 of the County Charter provides that “[p]roposed
22 amendments to [the] Charter shall be submitted to the electors of the County by a vote of at least
23 two-thirds of the members of the County Council...;” and

24
25 WHEREAS, Article V, Section 5.03 of the Charter provides for a nine member Charter
26 Review Commission to meet in September 2003 and every five years thereafter to review the
27 Charter and make recommendations concerning the amendment of the Charter; and

28
29 WHEREAS, this Council previously adopted Motion 029-2013, which confirmed the
30 appointments of Mr. Patrick J. Darrow, Mr. Richard E. Dobbins, Ms. Laraine Duncan, Mr.
31 Daniel R. Flowers, Ms. Helen J. Humphrys, Mr. Kyle Kutuchief, Ms. Angelina Milo, Mr.
32 Carmen V. Roberto and Mr. Cazzell M. Smith to the 2013-2014 Charter Review Commission;
33 and

34
35 WHEREAS, the Commission met from September 26, 2013, through May 6, 2014, and
36 produced a Final Report recommending two amendments to the Charter, including the
37 amendment that is proposed by this Resolution; and

38
39 WHEREAS, in its Final Report, submitted to this Council on June 9, 2014, the Charter
40 Review Commission recommends the amendment of the Charter to adopt a new Article VIII of
41 the Charter to consolidate information technology and data processing operations in Summit
42 County government by creating a County Information Technology Board and a Department of
43 Technology; and

44
45 WHEREAS, this Council finds and determines, after reviewing all pertinent information,
46 that it is necessary and in the best interest of the County of Summit to adopt the Commission’s
47 recommendation and that the citizens of the County should be permitted to decide at the
48 November 4, 2014 general election whether to amend the Charter to adopt Article VIII of the
49 Charter to create a County Information Technology Board and a Department of Information
50 Technology;

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2 PAGE TWO

3
4 NOW, THEREFORE, BE IT RESOLVED by the Council of the County of Summit, State
5 of Ohio, two-thirds of all the members elected thereto concurring, that:

6
7 SECTION 1

8
9 The following question as to whether the Charter of the County of Summit shall be
10 amended, as set forth herein, shall be submitted to the electors of the County of Summit at the
11 general election to be held November 4, 2014.

12
13 SECTION 2

14
15 The ballot form for this question shall be as follows:

16
17 _____
18 _____
19
20 PROPOSED AMENDMENT TO COUNTY CHARTER

21
22 A majority affirmative vote is necessary for passage.

23
24 (Vote ballot with "X")

25
26 Shall the Charter of the County of Summit be amended to consolidate information technology
27 and data processing operations in Summit County government by creating a County Information
28 Technology Board and a Department of Information Technology?

29
30 FOR THE AMENDMENT _____

31
32 AGAINST THE AMENDMENT _____
33
34 _____
35 _____

36
37 SECTION 3

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

42
43
44 **"ARTICLE VIII**
45 **COUNTY INFORMATION TECHNOLOGY BOARD**

46
47 **SECTION 8.01 COUNTY INFORMATION TECHNOLOGY BOARD.**

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

3
4 SECTION 3 (Cont.)

5
6 used by all County elected office holders, appointing authorities, offices, departments, boards,
7 commissions, and agencies of the County of Summit funded in whole or in part with County
8 funds. The Board shall consist of the County Executive, the President of County Council, the
9 County Fiscal Officer, Clerk of the Court of Common Pleas, County Engineer, County Sheriff
10 and County Prosecuting Attorney, or their designees.

11
12 **SECTION 8.02 AUTHORITY OF THE COUNTY INFORMATION**
13 **TECHNOLOGY BOARD.**

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

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

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

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

30 (4) To oversee the Department of Information Technology.

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

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

41
42 **SECTION 8.03 DEPARTMENT OF INFORMATION TECHNOLOGY.**

43 There shall be a Department of Information Technology under the authority of the County
44 Information Technology Board that shall carry out the Board's purposes through the exercise of
45 the powers delegated to it and that shall make recommendations to the Board for its
46 consideration and disposition. At a minimum, the Department of Information Technology shall
47 provide the necessary information systems technology and data processing support to all elected
48 officeholders, appointing authorities, offices, departments, boards, commissions and agencies to
49 ensure that any obligations imposed by the Ohio Revised Code, this Charter, the Codified
50 Ordinances of the County of Summit, or any other applicable federal, state or local law are met.

3
4 SECTION 3 (Cont.)

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6 Any employee of any elected officeholder, appointing authority, department, board,
7 commission or agency of the County of Summit, who, at the time of the adoption of this Article,
8 and, in the determination of the Human Resource Commission, is in a position whose job
9 description involves the planning, acquiring, implementing or operating of data processing and
10 information systems technology, shall immediately be transferred to the Department of
11 Information Technology at compensation no less than received at the time of the adoption of this
12 Article, and, commencing with the adoption of this Article, only the Department of Information
13 Technology may employ any employee whose job description involves planning, acquiring,
14 implementing or operating data processing and information systems technology. No other
15 County elected officeholder, appointing authority, department, board, commission or agency of
16 the County of Summit funded in whole or in part with County funds may employ or contract with
17 any person or entity whose job description or contract would involve planning, acquiring,
18 implementing or operating data processing and information systems technology or purchasing or
19 providing information systems technology equipment, provided however, that this provision shall
20 not apply to the Department of Job and Family Services or the Child Support Enforcement
21 Agency.

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

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

39 In the event an elected officeholder, appointing authority, office, department, board,
40 commission or agency believes that the Department of Information Technology is not providing
41 the necessary information technology or data processing support to meet its obligations imposed
42 by the Ohio Revised Code, this Charter, the Codified Ordinances of the County of Summit, or
43 any other applicable federal, state or local law, it may petition the County Council for the
44 authority to employ or contract with any person to, on its behalf, engage in planning, acquiring,
45 implementing or operating data processing and information systems technology or purchasing or
46 providing information systems technology equipment. Any such petition may be approved by a
47 two-thirds affirmative vote of County Council determining that the same is necessary, subject to
48 any veto by the Executive, and provided that any such contract is subject to execution by the
49 Executive.

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4 SECTION 3 (Cont.)

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6 **SECTION 8.04 CHIEF INFORMATION OFFICER.**

7 There shall be a Chief Information Officer who shall head the Department of Information
8 Technology. The Chief Information Officer shall meet the requirements set forth in the
9 classification and job description established by the County Information Technology Board. The
10 County Information Technology Board shall hire or dismiss the Chief Information Officer. The
11 Chief Information Officer shall interview and make recommendations for the hiring of staff for
12 the Department of Information Technology to the Board, which shall approve or reject such
13 recommendations. The Board shall be the appointing authority for the Chief Information Officer,
14 who shall serve at the pleasure of the Board.

15
16 **SECTION 8.05 EFFECTIVE DATE.**

17 This Article shall be effective December 15, 2014, for purposes of convening the County
18 Information Technology Board. The County Information Technology Board shall adopt rules
19 and regulations for the Board and in conjunction with the Department of Human Resources, shall
20 establish a classification and job description for the position of Chief Information Officer by May
21 15, 2015. The County Information and Technology Board shall hire the Chief Information
22 Officer by July 1, 2015.”

23
24 SECTION 4

25
26 The Clerk of Council shall certify the question set forth herein to the Board of Elections
27 of the County of Summit no later than the ninetieth day prior to the General Election of
28 November 4, 2014.

29
30 SECTION 5

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

36
37 SECTION 6

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

43
44 SECTION 7

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

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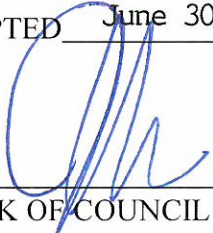
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SECTION 8

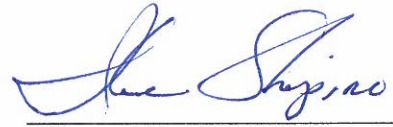
It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Resolution were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action, were in meetings 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

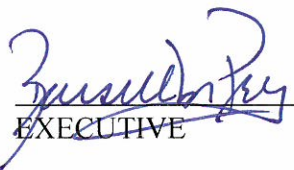


CLERK OF COUNCIL



PRESIDENT OF COUNCIL

APPROVED July 1, 2014



EXECUTIVE

July 1, 2014

ENACTED EFFECTIVE

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