

CHARTER
OF
SUMMIT COUNTY, OHIO

EDITOR'S NOTE: The Summit County Charter was originally adopted by the voters at an election on November 6, 1979. Dates in parentheses following a section heading indicate that such section was amended or adopted on the date given.

The voters on November 5, 1991 approved the elimination of the elected County Recorder on December 31, 1996, and the transfer of the duties of the County Recorder to the County Auditor. The ordinance amending the Charter directed the Charter wording not contain any reference to the Recorder. The Recorder is a functioning official until December 31, 1996.

On November 6, 2001, voters approved a charter amendment that consolidated the elective office of County Auditor with that of County Treasurer. The consolidation was effective June 17, 2002. Effective upon the consolidation of the Office of County Auditor with the Office of County Treasurer, the County Auditor's powers and duties, including the powers and duties of the previously consolidated Office of County Records, were transferred to the County Treasurer, which was renamed County Fiscal Officer.

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CHARTER OF SUMMIT COUNTY

PREAMBLE

The citizens of Summit County, Ohio, believing that they can better govern themselves on the county level, avail themselves of the opportunity afforded by the Constitution of the State of Ohio to adopt this Charter.

ARTICLE I CORPORATE POWERS, RIGHTS AND PRIVILEGES

SECTION 1.01 NAMES, BOUNDARIES AND POWERS.

The County of Summit, as its limits now are, or hereafter may be, shall be a body politic and corporate by the name of County of Summit with all the rights granted by this Charter and by general law.

The County is responsible for the exercise within its boundaries of all powers vested in and the performance of all duties imposed upon counties and county officers by law. In addition, the County may exercise all powers specifically conferred by this Charter or incidental to powers specifically conferred by this Charter and all other powers which the Constitution and laws of Ohio now or hereafter grant to counties to exercise or do not prohibit counties from exercising, including the concurrent exercise by the County of all or any powers vested in municipalities by the Ohio Constitution or by general law.

All powers shall be exercised and enforced in the manner prescribed by this Charter, or, when not prescribed herein, in such manner as may be provided by ordinance or resolution of the County Council, and, when not prescribed by the Charter or amendments thereto or by ordinance or resolution, then such powers shall be exercised in the manner prescribed by general law.

SECTION 1.02 POWERS LIMITED.

The Charter does not empower the County to exercise exclusively any municipal powers nor to provide for the succession by the County to any property or obligation of any municipality or township without the consent of the legislative authority of such municipality or township. In case of conflict between the exercise of powers granted by this Charter and the exercise of powers by municipalities or townships granted by the Constitution or general law, the exercise of powers by the municipality or township shall prevail. The County shall have power to levy only those taxes that counties are by general law authorized to levy.

**ARTICLE II
THE COUNTY EXECUTIVE**

SECTION 2.01 ELECTED COUNTY EXECUTIVE.

The County Executive shall be the chief executive officer of the County. The County Executive shall be elected at the first regular state election following the adoption of this Charter and shall hold office for a term of four years commencing on the first day of January next following such election. Any candidate for election as County Executive shall be an elector of the County at the time filing of the declaration of candidacy, shall be nominated and elected in the manner provided by general law for county officers and during the entire term of office shall remain an elector of the County and shall not, except as authorized by the County Council, hold or accept other employment or public office.

(Amended 11-3-81 .)

SECTION 2.02 COMPENSATION.

The salary of the County Executive shall be \$40,000 per year. It may be changed by ordinance at any time before a primary election for County Executive, but no change shall be effective until the commencement of the ensuing term.

SECTION 2.03 POWERS AND DUTIES OF THE COUNTY EXECUTIVE.

The County Executive shall have all the powers and duties of an administrative nature under this Charter and responsibility for the day-to-day running of the departments, offices and agencies of County government under his or her jurisdiction and control. Such powers and duties include, but are not limited to, the following: (Amended 11-8-05.)

- (1) To appoint, suspend, discipline and remove all county personnel except those who, as provided by general law, are under the jurisdiction of officers, boards, agencies, commissions and authorities of a county other than the board of county commissioners, and except those who are appointed by the County Council pursuant to Section 3.03(1) of this Charter.
(Amended 11-5-91.)
- (2) To appoint officers and members of boards, agencies, commissions and authorities required by general law to be appointed by boards of county commissioners and of such additional boards, commissions, agencies and authorities as may hereafter be created pursuant to this Charter. No such appointment shall be effective until confirmed by the County Council, but if the County Council shall fail to act on an appointment within sixty days, it shall become effective without such approval. The County Executive shall use good faith efforts to reflect the diversity of the people of the County in appointing such officers and members.
(Amended 11-4-97.)
- (3) To approve or veto any ordinance or resolution as provided in Section 3.04 of this Charter.
- (4) To serve, in person or by his delegate, as a member of the County Board of Revision.
- (5) To execute contracts, conveyances and evidences of indebtedness on behalf of the County.
- (6) To attend meetings of the County Council and take part in the discussion of all matters before County Council.

- (7) To introduce ordinances and resolutions for consideration by the County Council and otherwise to make recommendations for actions to be taken by the County.
- (8) To submit to the County Council a proposed operating budget for each fiscal year which shall contain at least the following:
 - (a) A statement of estimated revenues from all sources, including fund balances from the preceding year;
 - (b) A statement of proposed expenditures, shown by department, office, agency, authority, board and commission, and by activity, character and object and not exceeding estimated revenues for such year;
 - (c) A schedule of estimated revenues and proposed expenditures for each County department, office, agency, authority, board and commission, on a quarterly or more frequent basis; and
 - (d) A summary of the contents of the proposed operating budget.
- (9) To submit annually to the County Council a capital improvements program which shall contain at least the following:
 - (a) The capital improvements scheduled for, or proposed to be undertaken within, the current fiscal year, together with the estimated cost of each improvement and the proposed or established method of financing;
 - (b) The capital improvements proposed for the five years next succeeding the current fiscal year, together with the estimated cost of each improvement and the proposed or established method of financing; and
 - (c) A summary of the detailed contents of the program.
 - (d) A five year debt management projection for capital improvements.
(Added (d) 11-5-91.)
- (10) To submit a written message to the County Council accompanying the proposed operating budget and capital improvements program explaining the budget both in fiscal terms and in terms of work to be done, outlining the proposed financial policies of the County for the current fiscal year and describing the important features of the budget. The message shall include any proposals for major changes in financial policies and in expenditures, appropriations and revenues as compared with the preceding fiscal year and the reasons for such proposals, and an itemization and explanation of each proposed capital improvement. The operating budget and capital improvements program and accompanying message shall be submitted to the County Council by February 15 of each year.
- (11) To conduct collective bargaining regarding uniform wages and compensatory benefits with any recognized employee bargaining unit and administer uniform personnel procedures for all County employees of the County Fiscal Officer, Clerk of the Court of Common Pleas, Medical Examiner, County Engineer, Prosecuting Attorney, Sheriff, County Council and County Executive.
(Amended 11-6-84; 11-5-91; 11-6-01.)
- (12) To submit to the County Council annually a five year financial forecast for the general operating funds of the County. (Added (12) 11-5-91.)

SECTION 2.04 INVESTIGATIONS BY COUNTY EXECUTIVE.

The County Executive may, at any time and without notice, cause the administrative affairs of any County office, department or agency over which the Executive has authority or the official acts and conduct of any official or employee of said entity to be examined. The County Executive or any person appointed by the Executive to conduct such an examination shall have the same power to take testimony, administer oaths and compel the attendance of witnesses and the production of papers, books and evidence and to refer witnesses to the Prosecuting Attorney to be punished for contempt as is conferred upon County Council by this charter. Subpoenas may not be issued pursuant to this section except by resolution adopted by 2/3 vote of Council.
(Added 11-3-98)

ARTICLE III THE COUNTY COUNCIL

SECTION 3.01.1 ELECTION.

The County Council shall be the legislative authority and taxing authority of the County. It shall consist of eleven (11) members who shall be nominated and elected as provided in this Charter and in the manner provided by general law for County officers. County Council candidates shall be electors of the County at the time of filing declarations of candidacy and during their terms in office shall remain electors of the County and shall not hold or accept other public office or be employed by the County.

The three (3) members of County Council elected in 1990 shall serve as at-large members of County Council.

In the regular State election in 1992, eight (8) members of County Council shall be elected, one (1) member from each district.

The term of office for all County Council members shall begin on January 1, following the election. (Amended 11-2-93.)

SECTION 3.01.2 TERM OF OFFICE.

All elected members of County Council shall serve for four-year terms. (Amended 11-2-93.)

SECTION 3.01.3 RESIDENCY REQUIREMENT.

County Council candidates shall be residents of the County for at least sixty (60) days immediately prior to filing of candidacy or appointment to fill a vacancy. District County Council candidates shall be residents of the district to be served for at least thirty (30) days immediately prior to filing of candidacy or appointment to fill a vacancy. Once elected or appointed, an at-large County Council member shall reside within the County during the tenure of the term and a district Council member shall reside within the County and district during the tenure of the term. (Amended 11-5-91; 11-2-93.)

SECTION 3.01.4 APPORTIONMENT.

The County Council may at any time, by the affirmative vote of at least two-thirds of the members of the County Council, make minor adjustments to the legislative districts to make the boundaries of the districts identical to precinct boundaries as established by the Board of Elections to facilitate the administration of elections within the County of Summit between each recurring decennial Federal census.

- (A) Current Districts to be Maintained. The eight districts from which the members of the Council shall be elected at the November 8, 2016 general election shall be the legislative districts as apportioned by Council following the decennial Federal census of 2010. There shall be no changes made to Council legislative districts prior to the decennial Federal census of 2020 except that by the affirmative vote of at least two-thirds of the members, Council may make minor adjustments to the Council legislative districts to make the boundaries of the districts identical to precinct boundaries as established by the Board of Elections to facilitate the administration of elections within the County of Summit.
- (B) Redistricting. Immediately following each decennial Federal census commencing with the census of 2020, the Council shall appoint five electors of the County, not more than three of whom shall be members of the same political party and none of whom shall hold public office or be an officer of a political party, who shall constitute a Nonpartisan Independent Council Fair Districting Commission. The Commission shall, not later than one hundred twenty days following its appointment, prepare and certify to the Board of Elections of the County of Summit

a detailed apportionment of the Council districts in accordance with the principles provided for in this section. The County Executive shall provide for the Commission such facilities and assistance as shall be required for the Commission to carry out its duties as provided for herein. That apportionment shall be completed by the same date as the apportionment for the Ohio General Assembly and shall be effective for the first regular County election thereafter.

- (C) Principles for Establishing District Boundaries. All districts shall be of substantially equal population, compact and composed of contiguous territory and formed by combining existing areas of governmental units, giving preference, in the order named, to townships, municipalities and city wards and precincts. All portions of a district must be contiguous. When a political subdivision has a noncontiguous portion, it shall be considered contiguous to the remainder of the political subdivision for the purposes of redistricting. Precincts shall not be divided for the purpose of creating Council districts; however, political subdivisions may be divided between more than one Council district with no limitation upon the division of a political subdivision among districts. To the degree allowable by federal and state law, consideration will be given to district boundaries that broaden the opportunities for historically under-represented and minority communities to elect representatives to the Council. The Council may establish additional criteria for the Independent Council Fair Districting Commission to use for the purpose of drawing district boundaries, in order to achieve a government that is effective, efficient, and at the same time, accountable, responsive, and fairly representative, as long as such criteria do not conflict with the Constitution of the United States of America, the Constitution of the State of Ohio and applicable federal or state law. (Amended 11-8-88; 11-7-06; 11-3-15.)

SECTION 3.01.5 VACANCY; AT-LARGE COUNCIL MEMBERS.

(EDITOR'S NOTE: See also Section 5.02.)

When a vacancy occurs in an at-large Council seat, the replacement shall be chosen within thirty (30) days of the vacancy by the precinct committee members of the same party as the person vacating the seat. If the precinct committee members fail to make the appointment, the County Council has thirty (30) days to make the appointment. If County Council fails to make the appointment, the County Executive shall make the appointment. (Amended 11-5-91; 11-2-93.)

SECTION 3.01.5(A) VACANCY; DISTRICT COUNCIL MEMBERS.

When a vacancy occurs in a district Council seat, the replacement, shall be chosen within thirty (30) days of the vacancy by the precinct committee members of the same party from that district as the person vacating the seat. If the precinct committee members fail to make the appointment, the County Council has thirty (30) days to make the appointment. If the County Council fails to make the appointment, the County Executive shall make the appointment. (Amended 11-5-91; 11-2-93.)

SECTION 3.01.5(B) VACANCY; NO PARTY AFFILIATION.

When a vacancy occurs in either a district or at-large Council seat and the person vacating the seat was not a member of a political party with precinct committee members, the replacement shall be chosen by County Council within thirty (30) days of the vacancy. If County Council fails to appoint a replacement within thirty (30) days, the County Executive shall make the appointment. (Amended 11-5-91; 11-2-93.)

SECTION 3.01.5(C) VACANCY; LENGTH OF APPOINTMENT.

In all cases, if a vacancy occurs in the first or second year of a four (4) year term, the interim appointment is for a period until the next County-wide general election at which time the position is filled for the remainder of the principal term. If a vacancy occurs in the third or fourth year of a four (4) year term, the interim appointment is until the next County-wide general election at which time the position is filled for the next four (4) year term.

(Amended 11-5-91; 11-2-93.)

SECTION 3.02 SALARY.

The salaries of County Council members shall be \$7,000 per year. They may be changed by ordinance at any time before a primary election for members of the County Council, but no change shall be effective until the commencement of the ensuing term.

SECTION 3.03 POWERS AND DUTIES OF THE COUNTY COUNCIL.

The legislative and policy-making power of the County shall be vested in the County Council. Such powers and duties include, but are not limited to, the following:

- (1) To appoint and provide for the compensation and duties of the Clerk of Council and such other assistants as the County Council determines to be necessary for the efficient performance of its duties.
- (2) To establish departments, and divisions and sections within departments, under the supervision of the County Executive, and such boards, agencies, commissions, and authorities as the County Council determines to be necessary for the efficient administration of the County.
- (3) To establish procedures under which the County Executive may employ experts and consultants in connection with the administration of the affairs of the County.
- (4) To establish procedures governing the making of County contracts and the purchasing of County supplies and equipment by competitive bidding.
- (5) To adopt and amend the annual tax budget, the operating budget and the capital improvements program and to make appropriations for the County; however, County Council shall not have the power to levy and/or increase sales or use taxes by emergency measure by County Council to levy such taxes to a rate greater than the rate in effect and levied by County Council prior to January 1, 1993, shall not go into effect unless approved by a majority of the electors of the County at a primary or general election.
- (6) To determine which officers and employees shall give bond and to fix the amount and form thereof.
- (7) To provide for the acquisition, construction, maintenance, administration, rental, and leasing of property, as provided by general law.
- (8) To cooperate or join by contract with any municipality, county, state or political subdivision or agency thereof, for the planning, development, construction, acquisition, or operation of any public improvement or facility, or for a common service, and to provide the terms upon which the County shall perform any of the services and functions of any municipality or political subdivision in the County.
- (9) To provide for the procedure for making public improvements and levying assessments for such improvements.
- (10) To establish personnel procedures, job descriptions, rankings, and uniform pay ranges for all County employees of the County Fiscal officer, Clerk of the Court of Common Pleas, Medical Examiner, County Engineer, Prosecuting Attorney, Sheriff, County Council, County Executive, including the Department of Jobs and Family Services and the Department of Human Resources.

Except for the purpose of inquiry, the County Council and its members shall deal with the administrative service solely through the County Executive and neither the County Council nor any member thereof shall give orders to any of the subordinates of the County Executive either publicly or privately.

(Amended 11-6-84; 11-5-91; 11-2-93; 11-2-99; 11-7-00; 11-6-01; 11-8-05.)

SECTION 3.04 ORGANIZATION, RULES AND PROCEDURES.

On the first Monday of each year which is not a legal holiday, the County Council shall organize by electing one of its members as President and one other member as Vice-President for terms of one year. The President shall preside at all meetings of the County Council. The Vice President shall preside in case of the absence or disability of the President. The presiding officer shall be entitled to vote on all matters.

The County Council shall determine its own rules and order of business. The Clerk of Council shall keep and make available for public inspection at all reasonable times a record of proceedings of the County Council in which the vote of each member voting on an ordinance or resolution shall be recorded.

All legislative action shall be by resolution or ordinance introduced in written or printed form. Each resolution and ordinance shall contain no more than one subject which shall be clearly expressed in its title.

No ordinance or resolution shall be passed until it has been read, which may be by title only, at three different regular County Council meetings or the requirement of three readings has been dispensed with by a vote of at least two-thirds of the members of the County Council.

No action of the County Council shall be valid or binding unless adopted by the affirmative vote of at least a majority of the members of the County Council. Each 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.

If the County Executive approves such measure, it shall be signed and returned to the Clerk of Council within ten days after its adoption, but if not, the County Executive shall return it to the County Council within said ten days with the written objections, which objections shall be entered in full in the record of proceedings of the County Council. The County Executive may approve or disapprove the whole or any item of an ordinance or resolution appropriating money, but otherwise the approval or disapproval shall be addressed to the entire ordinance or resolution. If such measure is not returned within said ten-day period, it shall take effect in the same manner as if the County Executive had signed it.

When the County Executive has disapproved an ordinance or resolution, or a part or item thereof as herein provided, the County Council shall, not later than its second regular meeting thereafter, proceed to reconsider it, and if upon reconsideration the measure is approved by at least two-thirds of the members of County Council, it shall then take effect as if it had received the approval of the County Executive.

Each ordinance or resolution shall take effect in the manner and at the time provided by general law for ordinances or resolution of cities. Each emergency measure shall take effect, unless a later time is specified therein, upon its signature by the County Executive, or upon the expiration of the time within which it may be disapproved, or upon its passage after disapproval by the County Executive, as the case may be, shall contain a statement of the necessity for such emergency action and shall require the affirmative vote of at least two-thirds of the members of the County Council for enactment. (Amended 11-4-14.)

SECTION 3.05 INITIATIVE AND REFERENDUM.

The right of the initiative and referendum is reserved to the people of the County on all matters which such County may now or hereafter be authorized to control by legislative action. The provisions of general law relating to such right applicable to municipalities in effect at the time of the adoption of this Charter shall govern the exercise of such right hereunder, provided that all powers and duties respecting initiative or referendum petitions imposed upon city auditors or village clerks by general law shall be exercised by the Clerk of Council.

SECTION 3.06 INVESTIGATIONS BY COUNCIL.

County Council or any committee of Council is granted authority to investigate the financial transactions of any office, department or agency of County government and the official acts and conduct of any County official relating to any matter upon which Council is authorized to act. In conducting such investigations, the Council or any committee of Council may administer oaths and may, by majority vote, compel the attendance of witnesses and the production of books, papers and other evidence, and for the purpose may use subpoenas which shall be signed by the President of Council or the chair of the Council committee seeking a witness' testimony and which may be served and executed by an officer authorized by law to serve subpoenas and other legal process. In the matter of compelling the attendance of witnesses and the production of evidence, the majority vote of Council, if any, shall take precedence over the vote of a Council committee. If any duly subpoenaed witness shall refuse to testify to any facts within the witness' knowledge, or to produce any papers or books in the witness' possession or in the witness' control, relating to the matter under inquiry before the Council or any such committee, the Council shall have the power to refer the matter to the Prosecuting Attorney for the Prosecuting Attorney to cause the witness to be punished as for contempt. Subpoenas may not be issued pursuant to this section except by resolution adopted by 2/3 vote of Council. (Added 11-3-98)

**ARTICLE IV
ELECTED OFFICE HOLDERS****SECTION 4.01 COUNTY ELECTED OFFICE HOLDERS.**

(1) The Clerk of the Court of Common Pleas, County Engineer, Prosecuting Attorney and the Sheriff of the County shall be elected and their duties shall continue to be determined in the manner provided by general law, except where County Council changes those duties by ordinance or resolution. County Council may set the salaries of all County elected office holders with the minimum as set by general law. (Amended 11-3-81)

(2) County Fiscal Officer.

- (a) Consolidation of Office of County Auditor with Office of County Treasurer; Transfer of Powers and Duties. Effective upon a vacancy or as of March 10, 2003, whichever is earlier, the elective office of County Auditor is hereby consolidated with the Office of County Treasurer, and no election for County Auditor shall be held at the 2002 general election in the County. Effective upon the consolidation of the Office of County Auditor with the Office of County Treasurer, the County Auditor's powers and duties, including the powers and duties of the previously consolidated Office of County Recorder, shall be transferred to the County Treasurer, which shall be renamed County Fiscal Officer.
- (b) Powers and Duties. The County Fiscal Officer shall exercise all powers now or hereafter vested in and perform all duties now or hereafter imposed upon county auditors, county recorders and county treasurers by general law, except where County Council changes those duties by ordinance or resolution.
- (c) Election. The County Fiscal Officer shall be elected beginning at the general election held in the County in 2004 and shall hold office for a term of four years commencing on the first day of January next following such election. Any candidate for election as County Fiscal Officer shall be an elector of the County at the time of the declaration of candidacy, shall be nominated and elected in the manner provided by general law for county officers and during the entire term of office shall remain an elector of the County and shall not, except as authorized by County Council, hold or accept other employment or public office.

- (d) Vacancy. In the event the Office of County Fiscal Officer becomes vacant by reason of death, resignation, removal from office, failure to remain an elector of the County, or for any reason whatsoever, the position shall be filled as provided by general law for elected county officers.
- (e) Salary. The salary of the County Fiscal Officer shall be determined by County Council by ordinance or resolution and shall be set at a level commensurate with the duties of the office.
- (f) Boards, Commissions and Committees. Upon the effective date of this amendment, the County Fiscal Officer, or his designee, shall serve in the place of the County Auditor on every board, commission, committee, or any other body upon which the County Auditor is required to serve by general law. Upon the effective date of this amendment, the County Executive shall serve in the place of the County Treasurer on the County Budget Commission. Council shall provide by ordinance or resolution for the replacement of the Treasurer on every other board, commission, committee, or any other body upon which the County Treasurer is required to serve by general law.

(3) Eligibility for Candidacy for the Office of County Fiscal Officer. Any person shall be eligible as a candidate and/or appointee for the office of Summit County Fiscal Officer if the person is an elector of Summit County and possesses the same qualifications set forth under the General Laws of the State of Ohio for the county offices of Auditor, Recorder, and Treasurer. All other Charter provisions and Charter amendments that are inconsistent with the foregoing requirements for the office of County Fiscal Officer are repealed in their entirety. (Amended 11-6-01; 11-4-03.)

SECTION 4.02 (RESERVED).

SECTION 4.03 MEDICAL EXAMINER; APPOINTMENT, POWERS AND DUTIES.

As of January 5, 1997, the elective office of Coroner is abolished, and no election for such office shall be held at the 1996 general election in the County. Thereafter, all powers now or hereafter vested in and all duties now or hereafter imposed upon coroners by general law shall be exercised and carried out by the Medical Examiner, who shall be appointed by and serve under the direction, and at the pleasure of, the County Executive, subject to confirmation by County Council. The Medical Examiner shall also have such powers and duties not inconsistent with those provided by general law as shall be established by the County Executive. (Added 11-7-95.)

SECTION 4.04 MEDICAL EXAMINER; QUALIFICATIONS.

The Medical Examiner shall be a licensed physician with preference given for specialized training in forensic medicine and pathology and who shall have final authority as to determinations concerning medical matters within his or her responsibility. The County Executive may appoint deputies to the Medical Examiner, who shall be designated Deputy Medical Examiners and one of whom may be designated the Chief Deputy Medical Examiner. (Added 11-7-95.)

ARTICLE V GENERAL PROVISIONS

SECTION 5.01 EFFECTIVE DATE OF CHARTER.

The effective date of this Charter shall be January 1, 1980 for the purpose of nomination and election of officers and January 1, 1981 for all other purposes.

SECTION 5.01.2 OATH OF OFFICE.

The County Executive, members of County Council, and County elected office holders are hereby required to take an oath of office. The oath shall be administered by any person qualified as a notary and shall consist of a promise by the official to uphold the Constitution and laws of the United States of America and the State of Ohio, the Summit County Charter, and the Codified Ordinances of Summit County. (Added 11-7-00.)

SECTION 5.01.3 REMOVAL OF ELECTED OFFICIALS BY RECALL.

The County Executive, a member of the County Council, or any County elected office holder under Article IV, Section 4.01, of this Charter may be removed from office by recall. The procedure to effect such removal shall be as follows:

- (1) A petition signed by qualified electors demanding the election of a successor to the person sought to be removed, shall contain a general statement, in not more than two hundred words, of the grounds upon which removal is sought. In seeking removal of the County Executive, a County elected office holder or an at-large member of County Council, such petition must be signed by qualified electors of the County equal in number to at least ten (10) percent of those who voted for County Executive in the last preceding County election. In seeking removal of a member of County Council representing a particular district, such petition must be signed by qualified electors of that district equal in number to at least twenty (20) percent of those who voted for County Executive at the last preceding County election in that district.
- (2) Petition papers shall be procured only from the Clerk of Council, who shall keep a sufficient number on file for the use as provided by this section. Prior to the issuance of such petition papers an affidavit shall be made by one or more qualified electors of the County and filed with the Clerk, stating the name and office of the official sought to be removed. The Clerk, upon issuing any such petition paper, shall enter, in a record to be kept in his office, the name of the elector to whom issued, the date of such issuance, and the number of papers issued, and shall certify upon each paper the name of the elector to whom issued and the date of issuance. No petition paper so issued shall be accepted as part of a petition unless it bears the certificate of the Clerk and unless it is filed as provided in this section.
- (3) The petition shall be addressed to the County Council. With each signature shall be stated the place of residence of the signer, giving the street and number and ward and precinct. The signatures need not all be on one paper. A person shall be designated in such petition to receive it in case of return by the Clerk for insufficiency, as provided in this section. One of the signers of every such paper shall sign an affidavit stating that each signature on the paper is the genuine signature of the person whose name it purports to be. All such papers for the removal of any one official shall be fastened together and be filed as one instrument within thirty (30) days after the filing with the Clerk of the affidavit stating the name and office of the official sought to be removed. The Clerk, within ten (10) days after the filing of such petitions, shall determine the sufficiency of such petition and attach a certificate showing the result of his examination. If the Clerk shall certify that the petition is insufficient, he shall set forth in the certificate the particulars in which the petition is defective, and shall return a copy of the certificate to the person designated in such petition to receive it.
- (4) Such recall petition may be amended at any time within twenty (20) days after the making of certificate of insufficiency by the Clerk, by filing a supplementary petition upon additional petition papers, issued, signed and filed as provided in this section for the original petition. The Clerk shall, within ten (10) days after such amended petition is filed, make an examination of the amended petition, and if his

certificate shall show the same to be still insufficient, he shall return it to the person designated in such petition to receive it, without prejudice, however, to the filing of a new petition.

- (5) If the Clerk shall determine that the petition or amended petition is sufficient, he shall at once submit the same with his certificate to the Council and forthwith notify the official sought to be recalled of such action. If the official whose removal is sought shall not resign within five (5) days after such notice, the County Council shall thereupon by order fix a day for holding a recall election. Such election shall be held not less than forty (40) nor more than sixty (60) days after the petition has been submitted to the County Council. If possible, the recall election shall take place at the time any general or special election is held within such period, but if no such election is held, within the time previously stated.
- (6) The Clerk shall transmit a duly certified copy of such order to the Director of the Summit County Board of Elections or the successor to this position. The election authorities shall publish notice and make all arrangements necessary for holding an election, and the same shall be conducted and the result returned and declared in all respects, as are the results of general county elections.
- (7) Each ballot at such election shall have printed upon it the following question: "Shall (name of person) be removed from the office of (name of office) by recall?" Immediately following such question, there shall be printed on the ballot the following two propositions in the following order:
 - "For the recall of (name of person)."
 - "Against the recall of (name of person)."
 Immediately to the left on each of said propositions shall be a space in which the elector may vote for either of such propositions.
- (8) If a majority of the votes cast on the question of recalling any elected official shall be against the recall, the elected official shall continue in office for the remainder of his unexpired term, but subject to recall as before. If a majority of such votes be for the recall, then the elected official shall be deemed removed from office upon the announcement of the official result of such an election.
- (9) When a person is removed from office by recall, the vacancy will be filled in accordance with the provisions of this Charter and general law.
(Added 11-7-00.)

SECTION 5.02 VACANCIES.

(EDITOR'S NOTE: See also Section 3.01.5.)

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 whatsoever, the President of Council shall succeed to the office of County Executive on an interim basis and shall serve until the position is filled as provided by general law for elected County officers.

The vacancy of a member of County Council shall be filled as provided by general law for elected County officers. The interim succession of the President of County Council to the office of County Executive as provided herein shall not create a vacancy in the membership of County Council or in the position of President of County Council.

(Amended 11-7-89.)

SECTION 5.03 MEETINGS OF GOVERNMENTAL BODIES TO BE PUBLIC.

All meetings of the County Council and any board, commission, agency or authority of Summit County as well as any similar body created by this Charter or the County Council shall be open to the public, as provided by general law.

SECTION 5.04 RECORDS OF GOVERNMENTAL BODIES TO BE PUBLIC.

Records of the County shall be open to the public as provided by general law.

SECTION 5.05 CHARTER REVIEW COMMISSION.

Commencing in September, 1999, September 2003, and at intervals of five (5) years thereafter, a Charter Review Commission consisting of nine (9) electors of Summit County, no more than five (5) of whom may be of the same political party, not more than two (2) members may be an officeholder or employee of the County of Summit, shall be appointed by the County Executive with confirmation of the County Council. They shall serve without pay and shall serve on no more than three consecutive Charter Commissions unless they occur within a ten year period. The County Executive shall provide necessary staff services. The Charter Review Commission shall have the authority to propose amendments to this Charter to the County Council. The County Council shall vote within sixty (60) days after the proposals are received on whether or not to submit the proposals to the electors at the next general election held more than sixty (60) days after its vote on the proposed amendments.

(Amended 11-7-89; 11-3-92; 11-7-95.)

SECTION 5.06 CHARTER AMENDMENTS.

Proposed amendments to this 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 or upon petitions signed by eight percent of the electors of the County as provided by the Ohio Constitution.

(Amended 11-8-88.)

SECTION 5.07 EQUAL OPPORTUNITY.

It shall be the policy of the County that:

- (1) All officers and members of boards, agencies, commissions and authorities appointed by the County Executive pursuant to Section 2.03(2) of this Charter;
- (2) All members of the Charter Review Commissions appointed pursuant to Section 5.05 of this Charter; and
- (3) All County employees shall be appointed, employed, promoted, and compensated without regard to their race, color, religion, sex, national origin, handicap, age, or ancestry.

(Added 11-5-91.)

SECTION 5.08 MISCELLANEOUS DUTIES.

Commencing January 1, 1992, the duties of preparing and maintaining the tax maps for the County of Summit shall be that of the County Fiscal Officer.

(Added 11-5-91.)

SECTION 5.09 REARRANGEMENT, REPRINTING OF, AND CORRECTION OF TYPOGRAPHICAL ERRORS IN, CHARTER.

Following any election at which any amendment to this Charter is adopted, the Clerk of Council, with the approval of the County Council, the Prosecuting Attorney and the General Counsel, may, prior to any reprinting of this Charter, make such changes therein, including the numbers, titles and arrangement of articles and sections hereof, as may be necessary or desirable to maintain or assure the logical and consistent ordering thereof, but no such change shall, in any way, affect the substance or meaning of this Charter or any part thereof or amendment thereto. The Clerk of Council may, at any time, with the approval of the County Council, correct typographical errors appearing in this Charter, but no such change shall, in any way, affect the substance or meaning of this Charter or any part thereof or amendment thereto.

(Amended 11-7-00.)

SECTION 5.10 FAIRNESS IN COUNTY EMPLOYMENT.

In the interest of providing proper and reasonable protection against the negative aspects of nepotism, the following prohibitions are established:

- (A) No person shall be eligible for County employment if the person is related to an elected County official, unclassified County employee, County employee at the level of Director or County employee whose County salary exceeds \$80,000 per year, as a spouse, sister, brother, child, parent, half-sister, half-brother, step-child, step-parent, step-sister, step-brother, grandparent, grandchild, father-in-law, mother-in-law, brother-in-law, sister-in-law, son-in-law, daughter-in-law, niece, nephew or cousin of the first degree.
- (B) No person shall have supervisory responsibility over their spouse, sister, brother, child, parent, half-sister, half-brother, step-child, step-parent, step-sister, step-brother, grandparent, grandchild, father-in-law, mother-in-law, brother-in-law, sister-in-law, son-in-law, daughter-in-law, niece, nephew, or cousin of the first degree.
- (C) This Section shall govern only those seeking County employment after the effective date of this Section and does not prohibit the continued employment by the County of any person who holds County employment on or before the effective date of this Section. This Section also does not prohibit the continued employment by the County of a person employed by the County prior to the election of a County elected official who is related to the employee as a spouse, sister, brother, child, parent, half-sister, half-brother, step-child, step-parent, step-sister, step-brother, grandparent, grandchild, father-in-law, mother-in-law, brother-in-law, sister-in-law, son-in-law, daughter-in-law, niece, nephew or cousin of the first degree.
- (D) Any person hired in violation of this Section shall be immediately terminated. The County Fiscal Officer shall not make salary payments to persons hired in violation of this Section.
(Added 11-7-06.)

**ARTICLE VI
HUMAN RESOURCES****SECTION 6.01 HUMAN RESOURCE COMMISSION.**

There shall be a Human Resource Commission, consisting of three (3) electors of the County no more than two (2) of whom shall be members of the same political party, which 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 system, 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, handicap, age or ancestry.

The members of the Human Resource Commission shall be appointed by the County Executive and confirmed by County Council and shall be persons with experience in personnel matters or personnel administration and supportive of equal opportunity considerations.

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 (2) years of the expiration of any other term. A vacancy occurring during a term shall be filled by the County Executive for the 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 (6) years, one shall be appointed for a term of four (4) years and one shall be appointed for a term of two (2) years. The County Executive shall nominate the initial appointees to the Human Resource Commission no later than December 15, 1995, and thereafter within thirty (30) days after the occurrence of a vacancy. If the County Council fails to accept or reject a nomination within forty-five (45) days of its having been presented to it, the nomination shall be deemed confirmed.

No member of the Human Resource Commission shall hold any other public office or public employment with the County of Summit. The per diem compensation of the members of the Human Resource Commission shall be established by the County Council.

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 County Council, provided that two-thirds of the members of the County Council concur. (Added 11-7-95; Amended 11-4-97.)

SECTION 6.02 DEPARTMENT OF HUMAN RESOURCES.

There shall be a Department of Human Resources, which shall serve under the direction of, and perform such functions on behalf of, the Human Resource Commission as the Commission shall prescribe. (Added 11-7-95.)

SECTION 6.03 APPOINTING AUTHORITY.

The County Executive and the officers, offices, agencies, departments, boards and commissions and other public bodies described in Section 6.04 of this Charter shall be Appointing Authorities. Persons interested in employment with the County shall make application to the Department of Human Resources. 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 Human Resource Commission. (Added 11-7-95.)

SECTION 6.04 CLASSIFICATION.

The Human Resource Commission shall administer a clear, county-wide classification and salary administration system for technical, specialist, administrative and clerical functions with a limited number of broad pay ranges within each classification. The classification system shall include the employees of the offices listed in Section 4.01 of this Charter, as well as those of the County Executive and County Council, except those employees in positions designated as unclassified by general law, shall, to the extent permitted by the Ohio Constitution, include the employees of 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. (Added 11-7-95.)

SECTION 6.05 AUTHORITY OF HUMAN RESOURCE COMMISSION.

The Human Resource Commission has:

- (1) Responsibility for the resolution or disposition of all personnel matters, with authority to appoint hearing officers to hear all employee appeals previously under the jurisdiction of the State Personnel Board of Review;
- (2) Responsibility for administration of county-wide compliance with federal and state laws regarding personnel matters for which the County is the reporting unit and for administration of other personnel matters for which the County is responsible, and for maintenance of records required by such laws;

- (3) Authority to ensure:
 - pay equity for like positions;
 - standardization of benefits;
 - approval of qualifications;
 - consistent discipline;
 - training of management in personnel practices;
 - training of employees in job functions;
 - training for total quality management;
 - consistent administration of performance management system;
 - coordination of recruitment;
 - compliance to ethics resolutions or ordinances as passed by County Council; and
- (4) Such other functions as may be necessary to carry out its mission and purpose.
(Added 11-7-95.)

SECTION 6.06 EFFECTIVE DATE.

This article shall be effective December 15, 1995, for the purpose of appointment of members of the Human Resource Commission.

The Human Resource Commission shall adopt rules and regulations by May 15, 1996, and all authority granted under this article shall be vested in the Human Resource Commission effective July 1, 1996. (Added 11-7-95.)

ARTICLE VII PURCHASING

SECTION 7.01 DEPARTMENT OF PURCHASING.

There shall be a Department of Purchasing under the direction of the County Executive, which shall, except as otherwise provided by this Charter or by ordinance, be responsible, to the extent permitted by the Ohio Constitution, for the purchase of all 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.
(Added 11-7-95.)

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 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.
(Added 11-4-14)

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 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 8.03 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.
- (Added 11-4-14)

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.

(Added 11-4-14)

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.

(Added 11-4-14)

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.

(Added 11-4-14)

**ARTICLE IX
PUBLIC INFORMATION****SECTION 9.01 DEPARTMENT OF PUBLIC INFORMATION; POWERS AND DUTIES.**

There shall be a Department of Public Information under the direction of the County Executive. The Department of Public Information shall be responsible, to the extent permitted by the Ohio Constitution, for carrying out the following functions for and on behalf of all offices, officers, agencies, departments, boards, commissions or other public body, other than a separate political subdivision, that is supported in whole or in part from taxes levied, or other financial assistance provided, by the County:

- (1) Assisting in the implementation of public policy through appropriate communication;
- (2) Assisting the news media in coverage of the activities of the County government;
- (3) Reporting to the people of the County on County activities;
- (4) Improving communication with the employees of the County;
- (5) Increasing the County government's sensitivity to the concerns of its people;
- (6) Educating people as to the functions and services of the County and how to access them; and
- (7) In cooperation with other County officials having responsibility for economic development, promoting the County as a good place to live, to work and to invest.

(Added 11-7-95.)

SECTION 9.02 PUBLIC INFORMATION COMMISSION.

There shall be a Public Information Commission composed of the County Fiscal Officer, the Sheriff, the Clerk of Courts, the President of County Council, the County Engineer, and the Prosecuting Attorney or their respective designees, and the County Executive, who or whose designee shall chair the Public Information Commission. The commission shall make general policy on matters of public information and communication concerning the County.

(Amended 11-7-00; 11-6-01.)

**ARTICLE X
COUNTY INTERNAL AUDITING**

SECTION 10.01 COUNTY AUDIT COMMITTEE.

A County Audit Committee is hereby created to provide internal auditing to assist the County Executive, County Council, County elected offices, departments, institutions, boards, commissions, authorities, organizations, and agencies of Summit County Government funded in whole or in part with county funds, in providing taxpayers of Summit County efficient and effective services. The County Audit Committee shall consist of the County Fiscal Officer, the County Executive, the President of County Council and two residents of Summit County appointed by the Executive and approved by majority of Council. The County Audit Committee shall meet on a quarterly basis and oversee internal as well as external audits.
(Amended 11-6-01.)

SECTION 10.02 DEPARTMENT OF INTERNAL AUDITING.

There shall be a Department of Internal Auditing which shall serve under the direction of, and perform such functions on behalf of, the County Audit Committee as the Committee shall prescribe. (Added 11-7-00.)

SECTION 10.03 DIRECTOR OF INTERNAL AUDITING; QUALIFICATIONS.

There shall be a Director of Internal Auditing, who shall be head of the Department of Internal Auditing. The Director of Internal Auditing shall be a Certified Internal Auditor or working towards an Internal Auditor certification, shall be, or after certification shall become, a member of the Institute of Internal Auditors and shall be subject to, and follow at all times, the Code of Ethics for Certified Internal Auditors established by the Institute of Internal Auditors. The County Audit Committee shall recommend the hiring or dismissal of the Director of Internal Auditing, upon approval of the County Council. 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 who shall approve or reject such recommendations.
(Added 11-7-00.)

SECTION 10.04 AUTHORITY OF DEPARTMENT OF INTERNAL AUDITING.

The Department of Internal Auditing shall have the following powers and duties:

- (1) Preparation of an annual budget and work program;
- (2) Development of a department audit fee, which shall be billed to each department audited;
- (3) Guidance of the internal audit process through utilization of:
 - (a) Government Auditing Standards, United States General Accounting Office developed by the Comptroller General of the United States; and
 - (b) Professional Standards of the Institute of Internal Auditors, American Institute of Certified Public Accountants, generally accepted auditing standards.
- (4) Preparation of a preliminary financial and performance auditing report for the department being audited; and
- (5) Any other duties or responsibilities prescribed by the County Audit Committee.
(Added 11-7-00.)

SECTION 10.05 EFFECTIVE DATE.

This article shall be effective December 15, 2000, for purposes of convening the County Audit Committee.

The County Audit Committee shall adopt rules and regulations for the County Audit Committee and the Department of Internal Auditing, and in conjunction with the Department of Human Resources, shall establish classifications and job descriptions for the Director of Internal Auditing and any necessary staff by May 15, 2001. The County Audit Committee shall submit a recommendation for the position of Director of Internal Auditing by July 1, 2001.

(Added 11-7-00.)