

## **Minutes**

Administrative Rules Board

Special Meeting

February 2, 2015, 10:00 a.m.

2079 E. Ninth Street, 8<sup>th</sup> Floor – Room 007

### 1. Call to Order

The meeting was called to order by Majeed Makhoulf at 10:05 a.m.

### 2. Roll Call

Attending:

Majeed Makhoulf, Law Director

Chuck Cavano, Office of Budget and Management (Alternate for Chris Murray)

Anka Davis, Assistant Law Director (Alternate for Darlene White)

Nora Hurley, Deputy Chief Law Director

Mike King, Special Counsel, County Council

### 3. Public Comment Related to the Agenda

There was no public comment related to the agenda.

### 4. Identification of Appointed Board Members and Alternates

Majeed Makhoulf reviewed the roster of Board members and corresponding alternates.

### 5. Discussion Regarding Board Functions and Operations

Majeed Makhoulf discussed the Administrative Rules Board's (ABR) function through review of Chapter 113, "Administrative Rules," of the County Code. He stated that the Board's overall purpose is to serve as a mechanism for the approval of the County's administrative rules. He compared the entity to the State of Ohio's Joint Committee on Agency Rule Review (JCARR), and provided examples of the types of rules, policies and regulations that would and would not be under the purview of the Board. Majeed also reviewed the process by which a County entity shall submit rules proposed for Board approval. He emphasized that the Board's purview is limited to approval or rejection based on two qualifications: 1) whether the requesting entity has the authority to implement the proposed action (i.e. adoption, amendment or rescission of a rule), and 2) whether the proposed action is consistent with County Code.

Shelley Davis, Administrator of the Board of Revision asked for clarification on the ABR's authority over the Board of Revision, which, through the County Charter, has "exclusive authority" to adopt its own rules. Majeed explained that the authority of the Board is limited to review for authority and consistency with County Code.

Larry Benders, Director of the Department of Development, asked whether there are prerequisites that a Department needs to fulfill in order to submit a rule for consideration. Majeed responded that each County entity submitting a request for action on a rule should routinely coordinate with the Executive, and obtain internal, department authority. Larry requested that the Board provide clear guidelines on

the types of rules that require Board approval, and expressed concern about the Board's capacity to review a potentially large volume of information in an expedited timeframe. Lenora Lockett, Director of Procurement and Diversity, referred to the principal owner form required as a part of contract approval, and asked whether that type of document is under the purview of the ABR. Majeed responded that the requirement to submit a form is the type of policy that would come before the Board for review, as it goes beyond the Code's requirement for vendor debarment review. When a department promulgates rules in order to fulfill a mandate from the Code or Charter, they should be reviewed by the ABR.

#### 6. Consideration of Resolutions for First Reading Adoption

- a. Resolution 2015-0001: A Resolution establishing the regular meetings schedule of the Administrative Rules Board.

Majeed corrected the Resolution number to "**ARB2015-0001**" in order to distinguish ARB Resolutions from County Council Resolutions. He provided explanation of Resolution ARB2015-0001, and noted the change in regular meeting day from Friday to Thursday at 10:30 a.m.

Majeed Makhoulf moved to approve Resolution ARB2015-0001; Mike King seconded the motion. Resolution ARB2015-0001 was unanimously approved.

- b. Resolution 2015-0002: A Resolution adopting the Administrative Rules Board's Temporary Rules of Procedure to establish the deadlines for written commentary on matters submitted to the Board in accordance with Sections 113.02 and 205.09(P) of the Cuyahoga County Code.

Majeed Makhoulf provided explanation of Resolution (corrected to) **ARB2015-0002**. Board members discussed the need to post rules at least 9 days prior to the meeting at which they would be considered, in order to complete the public comment period by the time the weekly meeting agenda is posted.

Majeed motioned to approve the Resolution; Chuck Cavano seconded the motion. Resolution ARB2015-0002 was unanimously approved.

- c. Resolution 2015-0003: A Resolution establishing the requirements and time limits for verbal commentary.

Majeed Makhoulf provided explanation of Resolution **ARB2015-0003**. There was no further discussion. Majeed motioned to approve the Resolution; Nora Hurley seconded the motion. Resolution **ARB2015-0003** was unanimously approved.

#### 7. Discussion regarding organization and format of Administrative Code.

Majeed lead a discussion on the preferred format for the County's Administrative Code. He explained that the Administrative Codes of other government entities tend to fall into one of two categories: by subject matter, similar to the County's Code, or by department. Mike King voiced support for organization by subject matter. Majeed recommended that as the Code is under development, a

framework will be created, and refer to rules as an attachment. It was suggested that the Administrative Code could also include links to public comment, and that the Charter and County Code could include links to rules in the Administrative Code.

#### 8. Miscellaneous Business

Jeff Mowry, Chief Information Officer, requested that the Board publish guidance on the distinction between policies, rules, and regulations.

Dale Miller noted a correction in Resolution ARB2015-0001, Section 2. It should read "... the second and fourth Thursday of the month."

Majeed acknowledged the error, and motioned to amend the agenda; Mike King seconded the motion. The motion to amend the agenda was unanimously approved.

Majeed motioned to reconsider ARB2015-0001; Mike King seconded the motion. The motion to reconsider the Resolution was unanimously approved.

Majeed motioned to revise ARB2015-0001 to read "The Board hereby establishes its regular meetings effective February 1, 2016, and thereafter, to take place on the second and fourth Thursday of the month." Mike King seconded the motion. The motion to revise the Resolution as stated was unanimously approved.

Larry Benders advocated for individual follow up with agencies, and also cautioned against the Board inadvertently extending the reach of its review beyond that which is authorized in the Code.

#### 9. Public comment unrelated to the agenda.

There was no further public comment.

#### 10. Adjournment

Majeed Makhoulf motioned to adjourn; Chuck Cavano seconded the motion. The motion to adjourn was unanimously approved at 11:17 a.m.