

*December 12, 2012 at 5:00 pm*  
*Notice posted*

## **Minutes**

**Meeting of the Charter Review Commission  
Cuyahoga County  
December 12, 2012 at 5:00 P.M  
Cuyahoga County Administration Building, 4<sup>th</sup> Floor  
1219 Ontario Street, Cleveland OH 44143**

Required notices were provided and posted and the meeting was called to order at 5:15 PM by Chairman **Akers**. The roll was taken:

Present: **McLaughlin; Riley; Akers; Dietrich; Tarter; Russell; Albright;**  
Absent: **Headen, Callahan;**

A quorum was present. Note: **Headen** and **Callahan** arrived shortly after roll was taken and participated throughout.

There were no comments from the public.

Copies of the minutes for the CRC Meeting held on November 21, 2012 were distributed to all CRC members. **Akers** asked if any CRC members had any corrections or additions to the distributed minutes. There were no additions or corrections. **Riley** called for a Motion to adopt the minutes as written. Motion was seconded by **Albright**. **Akers** called for a voice vote to approve the minutes.

**For the Motion: McLaughlin, Riley, Callahan, Akers, Dietrich, Tarter, Russell, Albright, Headen**

**Opposed to the Motion: None**

The motion is approved.

**Akers** previously requested that Directors of County Departments be made available to meet with the CRC to discuss possible changes to the County Charter. **Boyle** briefly addressed the matter and provided a spread sheet with pertinent contact information for the various Department Chiefs for future contact by the CRC.

**Akers** thanked **Dietrich** for her assistance in reserving space at the Cleveland Heights City Hall for the next meeting of the CRC. The meeting will take place on **Wednesday, December 26, 2012 at 5PM** at the Cleveland Heights City Hall, located at 40 Severance Circle.

At the request of the CRC, Cuyahoga County Executive **Edward FitzGerald** was invited to speak about the County Charter and its impact on the administration of the County government. **Akers** introduced **FitzGerald**.

**FitzGerald** thanked the CRC for its service and discussed his work on two Charter Review Commissions in the City of Lakewood. He noted that the County Charter, while workable in its current form, could use some clarifications.

**FitzGerald** addressed the Office of the Inspector General (IG) and stated that its status should be enshrined in the Charter rather than existing solely in the Ordinance adopted by the County Council. He noted that the Inspector General serves as a check and balance for the branches of the County government and allows fast and reliable responses to citizen inquiries and employee whistleblower complaints. He noted the speed of the IG's investigative actions and its recommendations. **FitzGerald** stated that the IG's office, if addressed by the CRC, should not be an "at will" position that would be susceptible to the hiring/firing whims of future County Executives and County Councils. He also stressed that budgetary independence should be looked at by the CRC in its deliberations.

Next, **FitzGerald** addressed the Board of Revision (BOR). He stated that the political requirement for the members of the BOR's hearing panels was inappropriate. He felt that the hiring should be made based on merit and skills rather than political affiliation. He noted that candidates were excluded from hiring because party affiliation quotas had already been met.

**FitzGerald** stressed that the CRC should seek to clarify the lines of authority for the BOR. He felt that the current charter language needs to be altered to clarify that the appointed individuals report to the BOR manager.

Relative to the hiring process of the three-member hearing panels (2 members appointed by County Council; one member appointed by the Executive), **FitzGerald** noted that hiring performed by the County Council

is not an effective manner to choose employees. He noted that under the current structure, the Executive can fire one of the Council appointees but would have played no role in the decision to hire that individual in the first place.

**FitzGerald** addressed the office of the Clerk of Courts. He noted that the Clerk's office clearly needs some modernizing and he felt that the reform is better addressed by a closer connection to the County structure than being under a quasi-county agency such as the Court of Common Pleas. He addressed some long standing reforms that have been brought forth by the Justice System Reform Task Force that have not been achieved. He noted that the Courts are a major driver of County costs and the Clerk's Office serves as the County's bridge to the Court system. With tighter County control, achieving data-driven bench marks will be easier to obtain and monitor for effectiveness.

**FitzGerald** briefly addressed the succession to the office of the County Executive. He noted that the charter in the City of Lakewood is much different in succession than other municipalities. He noted that there are different skill sets to serve as a Councilmember and County Executive and noted that the Council serves part-time while the Executive is a full-time position. He questioned whether the County should be closer in form to the State of Ohio (Governor/Lt. Governor) and the Federal government (President/Vice President) or closer to a municipality that usually passes the Executive office (mayor) to the head of the legislative branch when a vacancy occurs.

**FitzGerald** noted that there is a residency requirement to run for the County Council while no term of residency is required to run for the office of County Executive. He felt that some length of residency should be required for an individual to run for, and serve, as the County Executive.

**FitzGerald** addressed the need for clarification of the roles of the County Prosecutor's Office and the Charter-created position of Law Director. He noted that the position of County Prosecutor should remain as an elected position but roles need to be clarified. He felt that there is a possibility of chaotic results if the Prosecutor and the Administration were at odds over representation. **FitzGerald** stated that his County Department Heads, who are hired by him, should not have to rely on legal advice provided by a

separately elected official, rather than the Law Director that has been nominated by the Executive and confirmed by the County Council.

**FitzGerald** received numerous questions from the CRC members.

**McLaughlin** asked **FitzGerald** to discuss his preferences for the organization of the Law Department. **FitzGerald** felt that the Law Department should be the entity that provides legal advice and guidance for the Administration and all of its departments. He felt that the CRC may want to define "litigation" so the role of the Prosecutor's Office is clear. **FitzGerald** stated that clear lines of authority, including definitions, would be beneficial. **Callahan** asked if **FitzGerald** felt that former Prosecutor **Mason** and Prosecutor **McGinty** had the same position concerning the role of the Prosecutor's office. **FitzGerald** requested that the question be posed to **McGinty** to ascertain his thoughts on the role of his office. **Callahan** asked if the structure of any other Ohio county could be used as a template for Cuyahoga County. **FitzGerald** and Law Director **Makhlouf** both stated that this division of legal operations was unique to this County. **Albright** stated that the CRC should look outside of the models in Ohio and seek direction from other jurisdictions.

**Riley** addressed **FitzGerald's** comments regarding the BOR and his comments about removing the political affiliation requirement. **Tarter** asked if **FitzGerald** felt that all political affiliation references should be removed from the Charter. **FitzGerald** stated that he felt that the political affiliations mandates should be removed from all the spots in the Charter, including the BOR, the HRC, the Re-Districting Commission and the future CRC's. He felt that competence and ability should be the most important qualities, rather than political quotas.

**Dietrich** asked **FitzGerald** about creating a position of "Vice Executive" or something equivalent. **FitzGerald** stated that it was a possibility but that such a position would need further definition. He re-iterated his comments that serving as an Executive required different skills than those required to serve as a department head or a legislator.

**Tarter** asked **FitzGerald** for some clarification regarding the IG's office. **FitzGerald** strongly supported the creation of the office and believes that it will be a model that other counties will follow. However, he urged that the office cannot be immune from oversight and restraint.

**McLaughlin** asked **FitzGerald** to comment on the Clerk of Courts. **FitzGerald** noted that the office needs to be modernized. He felt that the Court system has not embraced innovative trends and was concerned that the Clerk's Office, if under the Court's control, would not adopt the data-driven changes that are obviously needed. **FitzGerald** felt that certain performance measures were overdue for the Clerk's Office and the County Administration, through its CountyStat process has made great progress already in streamlining processes.

**Russell** asked **FitzGerald** to address the process of appointing members of the various County Boards and Commissions as well as seeking clarification regarding who would provide legal representation to any of the Boards and Commissions. **FitzGerald** commented that Ohio law, in many instances, provides the mechanism for appointments. In those cases, the County Charter cannot be used to alter the process. In other instances, the Executive makes appointments, subject to County Council confirmation. **Makhlouf** added that each board or commission is different and the question of legal representation can be changed in the Charter.

Executive **FitzGerald** concluded his comments at 6:35PM. He thanked the CRC members for their time and energies and re-stated that he would make any of his staff available to the CRC members for any questions or discussions that were needed to perform the CRC's task.

**Tarter** asked for some guidance on social media points and **Makhlouf** provided instruction.

The next meeting of the CRC is scheduled to take place at the **Cleveland Heights City Hall, 40 Severance Circle, at 5PM on Wednesday, December 26, 2012.**

There being no further business before the CRC, **Akers** made a motion to adjourn. The motion was unanimously approved by voice vote. The meeting was adjourned at 6:45 PM.

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Issue 12-21  
App. 1-5-13  
Post. 1-6-13