



*January 24, 2013 at 5:00pm*  
*Notice posted*

## **Minutes**

**Meeting of the Charter Review Commission  
Cuyahoga County  
Thursday, January 24, 2013 at 5:00 P.M.  
Cuyahoga County Administration Building, 4<sup>th</sup> Floor**

Required notices were provided and posted and the meeting was called to order at 5:05 PM by the Chair. The roll was called.

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

Absent: **McLaughlin;**

A quorum was present.

**Akers** called for public comments. There were no public comments.

**Akers** discussed the process for discussion regarding the matters that had been brought forth as potential charter changes. Each of the matters that had been brought up in the previous presentations was previously distributed to the CRC members including possible changes and affected Charter sections. **Akers** decided to proceed with the discussion on matters that would likely be less contentious.

**Akers** initially asked the CRC member to discuss the provision requesting that the Charter be amended to allow 60 days for the County Council to take action on Executive appointments. The current provision in the Charter allows the County Council 30 days for action or the appointment was deemed accepted. **Akers** noted that the Summit County Charter allows 60 days. **Tarter** noted that 60 days may be

too long. **Headen** also felt that 60 days was too long and noted that her opinion might be more of a “minority opinion” but she felt that County Council could move faster. **Dietrich** also felt that perhaps both the Administration and Council could move faster. After additional discussion among the CRC members, **Akers** noted that it appeared that an amendment from 30 days to 60 days was a majority viewpoint.

Next, the CRC discussed the issue of including a provision in the County Charter for a term of residency for the Executive. **Russell** stated that including a term of residency for the Executive was appropriate and felt that it should be one year. **Headen** felt that the term of residency for a County Councilmember and County Executive should match. **Headen** also noted that a short residency period would allow more candidates to get involved. **Riley** noted that having no residency period for the Executive would allow people to move into the County simply to run for the office. Including a provision would eliminate the possibility of any “carpet baggers.” **Akers** noted that it was important to have candidates who were involved in the county and knew the issues. Having a residency requirement would insure that the candidates were invested in the county. **Akers** asked if there was a consensus from the CRC. **Riley** responded that it appeared that the body wanted the residency requirements for the Council and the Executive to be the same. **Tarter** noted that the Summit County Charter did not include a residency requirement for its Executive.

Next, the CRC discussed the concept of moving the Charter position of “Treasurer” under the Fiscal Officer. **Dietrich** and **Russell** requested a brief recap of the duties of each office. **Mahklouf** provided background on the two positions. **Dietrich** provided a synopsis of the comments made in earlier presentations. **Riley** noted that combining the positions might allow increased efficiencies, making the Fiscal Officer more of a Chief Financial Officer. **Akers** noted that the current process allows the confirmation process to provide the needed checks and balances. **Headen** did not agree that efficiencies would be created if the offices were merged. **Tarter** provided a description of the current system in Summit County and noted that large differences were present. The CRC decided to further discuss the issue and asked for additional information from Fiscal Officer **Steen**.

The CRC moved the discussion to address whether a need to include Charter language for interim Executive appointments. **Riley** noted that allowing an interim appointee to serve indefinitely was unacceptable. He noted that even recess appointments in the federal system only lasted for a finite period. **Riley** stated that a term of one year for an interim appointee to serve was acceptable. He noted that

this time frame would allow the Executive to search for candidates and to allow the County Council to have an acceptable review and confirmation process.

(NOTE: **Riley** left the meeting at 6:00PM).

The CRC discussed possible changes to the Charter regarding the process to terminate the County Charter. Currently, the Executive has the unilateral power to terminate the Sheriff. **Akers** asked the CRC if “for cause” language should be included. **Callahan** noted that “for cause” is defined throughout the Ohio legal system. **Headen** felt that the Sheriff, as a member of the Executive’s cabinet, should be subject to termination by the Executive. She noted that this was consistent with all other Executive appointments. **Callahan** added that having an elected Sheriff was not a good idea and related some examples from his tenure as a Common Pleas Judge. **Headen** noted that leaving the language in the charter as currently written would allow a strong Executive to “get all the credit and all the blame” for his decisions. After additional discussion, it was determined that the consensus opinion was to leave the provision as currently written.

The CRC discussed possible changes regarding Executive succession. **Headen** noted that it did not seem that anyone wanted it to remain as written. She stated that the current version would create a disruption in both the legislative and executive branches. **Callahan** questioned whether an Executive designee needed to be a member of the Executive staff. He asked whether the CRC could allow a list of individuals, in order, who would be the individuals who would succeed the Executive if a vacancy occurred. **Mahklouf** indicated that a line of succession was possible and that numerous municipalities used such a process. **Mahklouf** felt that if such a process was to be used, the line of succession should include at least three individuals. The CRC agreed to continue the discussion.

The CRC discussed the inclusion of political affiliation requirements throughout the charter. **Mahklouf** noted that there were numerous bodies that included a political affiliation requirement, including the Charter Review Commission, the Redistricting Committee, the Board of Revision and the Human Resource Commission. Also, the Councilmembers and the County Executive ran on ballots that include party affiliation and therefore, have primary elections. **Mahklouf** noted that there were differentiations in the work of the bodies and that the HRC and the Redistricting Committee might properly have political affiliation requirements but that the CRC and the BOR really did not require any political connotation. **Akers** noted that it might be beneficial to remove all political affiliation requirements from the Charter. **Tarter** stated that the political

affiliation language was proper for both the CRC and the Redistricting Committee and noted that these mandates allowed divergent viewpoints and allowed a broader discussion than if all the members shared the same political affiliation. The CRC decided to continue the discussion on this issue.

There being no further business before the CRC, **Russell** made a motion to adjourn. The motion was seconded by **Tarter**. The motion was unanimously approved by a voice vote of the CRC members.

Draft \_\_\_\_\_

Issue \_\_\_\_\_

App. 2/23/13

Posted 3/4/13