



April 11, 2013 at 4:00pm
Notice posted

Minutes

**Meeting of the Charter Review Commission
Cuyahoga County
Thursday, April 11, 2013 at 4:00 P.M.
Cuyahoga County Administration Building, 4th Floor**

Required notices were provided and posted and the meeting was called to order at 4:39 PM by the Chair. The roll was called.

Present: Akers; Callahan; Dietrich; Riley; McLaughlin;

Absent: Russell; Albright; Tarter; Headen

A quorum was present.

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

The minutes from the meeting held on February 23, 2013 had previously been distributed to the members of the CRC. Dietrich moved that the minutes be accepted as written. The motion was seconded by McLaughlin. A voice vote was taken. The minutes were unanimously approved.

Akers introduced Cuyahoga County Sheriff Francis X. Bova. Bova provided background information about his experience in law enforcement and his previous term as County Sheriff. Bova discussed all of the various aspects of the Sheriff's office and its jurisdiction. Bova took questions from the CRC members. Akers asked Bova to comment on the possibility of reverting back to an elected Sheriff. Bova had no interest in running for elected office and was clear that if such a

change were implemented, he would not stand for election. He noted that he was appointed as the Police Chief in Warrensville Heights and this appointment required a supermajority of the City Council for approval. Bova stated that he felt that there would be less attention to the long-term vision of the Sheriff's Office if the Sheriff were elected. He noted that the task of running a county-wide election was difficult and as the head of a large organization, sometimes difficult and unpopular decisions had to be made. Bova stated that, in his opinion, serving as the Sheriff should only be permitted for 10-12 years. He noted that fresh ideas were needed to avoid stagnancy.

McLaughlin asked Bova to comment on some innovations that he had implemented since assuming office. Bova detailed the operation of the Impact Unit and the collaboration with municipalities. He discussed partnerships that were entered with other governmental agencies, including the FBI, the US Marshals and the DEA. Bova noted that the staff numbered 1200 total employees, which includes 150 Deputies and 500 Correction Officers. McLaughlin asked Bova about the need for independence from the Executive's Office for operations, including investigative matters. Bova detailed the process that was employed for matters that were sensitive or had inherent conflicts. Callahan asked about the Impact Unit. Bova stated that there were more Sheriff vehicles on the streets in suburban regions doing necessary work. Regarding having a fixed term in office, Bova did not offer any specific provisions but did recommend looking into having a staggered term, such as the IG. Dietrich asked if incorporating a provision for removal "for cause" was appropriate. Bova noted that there would be some positive attributes of this system but ultimately, the Executive needs to have his person as the Sheriff.

Bova provided greater detail about the operation of the Sheriff's Office, including the marine unit that patrols our lakefront, the security provided at the more than 40 county buildings and the relationships that the Sheriff's Office has with MetroHealth Hospital System. Additionally, he detailed the progress that had been made on the Jail Kitchen project and the working agreements with the City of Cleveland concerning local jails. Akers thanked Bova for his comments.

Akers introduced former Parma Heights Mayor Martin Zannotti. Zannotti had been instrumental in the drafting and approval process involving the County Charter. He was appreciative of the opportunity to address the CRC. He noted that it was expected that the Charter would have some areas that needed to be addressed and that was why the initial charter review commission was formed only two years after implementing the new government. He had a few issues to address.

Initially, Zannotti addressed the process to appoint and remove the County Sheriff. He noted that this issue was widely debated when the Charter was written. He noted that electing a Sheriff had become a “name game” rather than a true discussion about the manner in which the office was managed. He stated that having a return to an elected Sheriff was contrary to the progress that had been made in instituting this new government. Zannotti also added that having a “for cause” requirement for the termination of the Sheriff would weaken the power of the County Executive. Ultimately, the Executive should be held accountable for the actions of the County staff.

Regarding the appointment of the Clerk of Courts, Zannotti was opposed to moving the authority to the judiciary. He felt that the Executive having this appointment authority was consistent with the goals of the charter. He noted that the County funds the courts but often has little control over the operations of them. If the Executive and Council were removed from the process, the County would be left simply as the bill paying entity for the courts and the clerk.

Zannotti next discussed the allocation of legal responsibilities between the Prosecutor and the Law Department. Again, he noted that this issue was debated during the drafting of the charter and noted that then-Prosecutor Mason was a member of the committee. Zannotti opined that the position of Prosecutor would likely have been an appointed position had Mason not been involved in the drafting of the charter. Zannotti stated that the intent when the charter was drafted was that the Law Department would handle the civil matters and the Prosecutor would handle the criminal matters. Zannotti briefly addressed some of the topics that had come before the CRC. He stated that moving the time for Council confirmation of Executive appointments from 30 to 60 days made sense. He also stated that there should be a residency period for a candidate for Executive and it should be the same as Council. (2 years).

Zannotti took questions from the CRC. Upon questioning from Tarter, Zannotti noted that there really was no compelling reason why the Prosecutor could not be an appointed position. He noted that there never really was any public discussion on this matter. Zannotti also noted that the issue of campaign finance reform was an extremely difficult matter to tackle and, in the interest of getting the charter passed, decided that the issue would not be included. Zannotti also pointed out that there were some legal issues that would need to be addressed if contribution limits were included in potential charter amendments.

McLaughlin asked Zannotti to comment on the issue involving the Prosecutor and the Director of Law. Zannotti stated that the charter was designed to increase the checks and balances in the county government. He stated that the Prosecutor's office should be treated like any other county agency. The fact that the current office holders had a good working relationship was irrelevant to the need to have clarity on this issue. Dietrich asked Zannotti if it were even possible, in light of the opinion in the O'Connor case, to have an appointed prosecutor. Zannotti strongly felt that the charter could be amended to have an appointed prosecutor. Gross noted that the Summit County matter attempted to change the manner in which the Prosecutor was selected via a County Ordinance, rather than a Charter amendment.

Callahan asked Zannotti whether separation of powers was discussed in making the Clerk of Courts an appointed office. Zannotti stated that it was impossible for the County to get appropriate information from the courts to make informed budget decisions. He noted that the County funds a branch of government (judiciary) that it has no ability to control any costs. Akers asked if removing the party affiliations from the charter was desirable. Zannotti noted that a one-party system was bad for all involved. However, he noted that removing all references to party affiliation was probably not going to happen.

Rebecca Kopciensky, Director of the HRC, presented documentation submitted by the HRC concerning recommended charter changes. She discussed the proposed changes and the goals that were sought. Riley noted that paragraphs 4 and 5 seemed inconsistent. Kopciensky stated that the HRC felt that these issues were distinct but recognized that they were related. The CRC agreed to a lengthier debate on the HRC's proposals at a later time.

Akers introduces Seth Wamelink, a member of the Next Generation Council. He distributed a handout with proposed changes to the county charter's preamble. He noted that the goal of his group was to foster involvement in the government by the residents that were under the age of 35. Assistant Law Director King noted that there were certain legal standards that applied, under ORC Chapter 4112, to specific groups, such as racial minorities and women. He noted that these provisions and protections did not apply to citizens under 35. Riley noted that implementing the requested changes could cause problems as employers are not allowed to inquire about age and religion when hiring. As such, Riley encouraged Wamelink to revise his proposal.

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

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Issue _____

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