



May 1, 2013 at 4:00pm
Notice posted

Minutes

**Meeting of the Charter Review Commission
Cuyahoga County
Wednesday, May 1, 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 4:05 PM by the Chair. The roll was called.

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

Absent: Russell; Albright;

A quorum was present.

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

Miller was present and asked to briefly address the CRC regarding some procedural recommendations. Miller outlined 6 specific matters for the CRC:

1. He felt that establishing a list of topics should come first;
2. After discussion, determine which topics would move forward;
3. Divide the CRC into smaller groups of three members to discuss each matter;
4. Develop desired language and have the full CRC assess;
5. Conduct a second series of public meetings to discuss; and,
6. Use the final two weeks of June to fine tune the CRC's report.

Akers thanked Miller for his comments and thoughts. Miller took questions from the CRC members. McLaughlin asked how the process would work as the decisions of the CRC were being sent to Council. Miller noted that the CRC was required to complete its report by July 1, 2013 and the Council had until the last meeting in August to decide which issues would be placed on the ballot. Riley asked why a 2/3 vote of council was required to place any proposed amendment on the ballot. Miller noted that this was consistent with the terms of the Charter as well as applicable provisions in Ohio law. McLaughlin asked Assistant Law Director King whether "Prosecutor" was defined or addressed in the state constitution. King stated that he was unaware of any constitutional provision relating to the position of county prosecutor. Akers asked Miller if the Council would conduct additional meetings if necessary. Miller unequivocally stated that the Council viewed the work of the CRC as a vital part of our government and would provide whatever amount of council time as was required. Akers related that Greenspan had requested that the CRC provide an update to Council committees in advance of issuing its report. Dietrich asked Miller to comment on council's thoughts about the number of possible amendments to recommend. Miller was clear that he was not speaking on behalf of the entire council on this issue but did feel that referring four or five amendments would likely be enough for the general public to digest but the CRC should make up its own mind on that issue. Miller further commented that prioritizing the potential amendments would be a good step as well. At Tarter's request, Miller also stated that the inclusion of any minority opinions or reports would be beneficial for council's assessment.

Akers introduced Sara DeCaro, a lawyer with the HRC. DeCaro was asked to address the recommended charter amendments proposed by the HRC. A letter dated April 9, 2013 detailing the proposals was distributed to the HRC for review and discussion. A copy of this letter is attached hereto. McLaughlin noted that numerous of the proposals could be implemented by Ordinance rather than Charter change. Miller agreed. Headen noted that very specific recommendations might be suitable for an ordinance rather than a charter amendment. The CRC reviewed all the enumerated recommendations. No definitive actions were taken on referring any of the specific recommendations to council.

Akers asked Tarter to present a brief update on his proposals. Tarter noted that he had asked the Board of Elections to weigh in on his proposals and he was waiting to hear from them. Akers asked the CRC whether these proposals should be memorialized in the Charter and was concerned about the precedence it could create. Callahan stated that he did not believe that campaign finance limits belong in the charter and he noted the process that conducting a countywide campaign

involves. Dietrich added that tying contribution limits to state laws might be a good place to start the discussion.

Next, Akers again introduced Judge Fuerst. Riley asked if there was any new information to present to the HRC. Fuerst distributed some background data regarding the operation of the court. McLaughlin asked for an update on the progress between the courts and the clerk. Fuerst noted that progress had been made. She detailed that the boxes had been moved from the basement of the court and a record retention policy was moving forward. Fuerst stated that the Court of Common Pleas would be conducting electronic filing by the end of 2013. Fuerst distributed her proposed amendment regarding the appointment of the Clerk of Courts.

McLaughlin noted that under Fuerst's proposal, there would be no role for the Executive or council to play. Fuerst stated that there really was no reason for council or the Executive to participate. Callahan noted that the ORC places the Clerk of Courts in Chapter 23, which pertains to the operations of the Court system and he reiterated that the work performed by the Clerk's office was almost entirely related to the operation of the court. Headen asked Fuerst to comment on the concept that "judges judge" and whenever they stray too far from this role, the performance suffers. Fuerst stated that most judges do not get too involved in the administrative aspects and stated: "that's why I'm here." Palos added that, intellectually, the Clerk's office really does not belong under the Executive as it deals with court functions.

Tarter asked Fuerst to comment on the recent set of retire/rehires that occurred with Court personnel. Tarter asked Fuerst who would be held accountable for these decisions. Fuerst issued a lengthy response detailing her reasons why these employees were rehired and commented on the excellent work they had performed. Tarter noted that rehiring these employees necessarily blocks others from entering the workforce. Dietrich closed the conversation by offering the thought that the goal of the new charter was to place as much of the government under one, central Executive. This official would be held accountable for the actions of the county, whether they be positive or negative.

The CRC discussed the scheduling for upcoming meetings and the availability of all members. Additionally, Akers asked the CRC to think about any additional presentations that would be helpful for them as they deliberated. The next meeting was set and will take place on Wednesday, May 8, 2013 at 4PM at the County Administration Building.

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.

Draft _____

Issue _____

App. _____

Posted _____