



*May 8, 2013 at 4:00pm*  
*Notice posted*

## **Minutes**

**Meeting of the Charter Review Commission  
Cuyahoga County  
Wednesday, May 8, 2013 at 4:00 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 4:05 AM by the Chair. The roll was called.

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

**Absent: Russell; Albright; Callahan**

**(NOTE: Callahan arrived at 4:22)**

A quorum was present. Also in attendance were Acting Clerk Daniel Humphrey; Assistant Director of Law Michael King; County Councilman Dale Miller and attorney Gary Johnson.

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

The minutes for the following meeting were previously distributed to all the members of the CRC:

- April 17, 2013;
- April 18, 2013;
- April 20, 2013;
- April 22, 2013

McLaughlin moved that the minutes from April 17, 2013 be approved as written. The Motion was seconded by Akers. A voice vote was taken on the Motion. The Motion was unanimously approved. The minutes have been approved.

McLaughlin moved that the minutes from April 18, 2013 be approved as written. The Motion was seconded by Dietrich. A voice vote was taken on the Motion. The Motion was unanimously approved. The minutes have been approved.

McLaughlin moved that the minutes from April 20, 2013 be approved as written. The Motion was seconded by Dietrich. A voice vote was taken on the Motion. The Motion was unanimously approved. The minutes have been approved.

Riley moved that the minutes from April 22, 2013 be approved as written. The Motion was seconded by McLaughlin. A voice vote was taken on the Motion. The Motion was unanimously approved. The minutes have been approved.

Akers moved the CRC to a discussion of new business items, including the manner in which the CRC would make its recommendations to Council. Akers turned to the proposals outlined by Riley. Riley recommended that the process be as follows:

1. Document the process undertaken by the CRC;
2. Summarize in a list all the issues and proposals;
3. Enumerate the issues recommended; and
4. Detail proposed language for charter amendments.

The CRC members discussed procedures to follow. Headen stated that the CRC did not have to offer an explanation if it was not recommending any change to the language in the charter. Akers noted that Council would likely still inquire about discussions even if no change were recommended, especially on the Clerk of Courts issue. McLaughlin also noted that for historical perspectives and later charter commissions, the record of a discussion on an issue could be important. Headen provided her understanding, in a synopsis, of the process, including the inclusion of dissenting or minority opinions on an issue.

Tarter pointed out that all decisions do not have to be unanimous. Riley concurred and stated that minority positions should submit a report. Headen noted that not every issue would require a formal minority opinion. Dietrich noted that listing opposing votes without any comments, could give the impression that the CRC's product was simply a survey on issues. Tarter noted that it was desirable to present a united position but divisions should be reflected in the CRC's final product.

Tarter stated that he did not feel that a unanimous vote from the CRC was required to make a charter amendment recommendation to the Council.

Callahan asked Akers to comment on how the process worked in drafting the Charter. Akers noted that the process was time consuming. He noted that the final draft consisted of numerous matters that involved compromise or consensus building. Akers specific pointed to the discussions about Council salaries and Council Districts as topics that involved compromise.

McLaughlin agreed with the theory of Dietrich's position but noted that it was essential for the CRC to note when the body did not have unanimous support. He continued by stating that it would be more difficult to present the pros and cons on each issue in the report. McLaughlin also stated that it was not desirable to present a voluminous report. Akers agreed that brevity was desired and asked that minority positions be concise. Headen asked whether it was possible to have a separate section in the report for dissenting opinions. Akers did not think it was preferred to have dissenting positions separated from the majority position. The CRC agreed to further discuss the location of any minority opinions.

Next, the CRC discussed how to address issues that had been presented that were not being addressed by the CRC, such as the recommendation for proportional voting. Tarter stated that perhaps those type of issues could be listed with the "no-action" items, or perhaps listed as "not considered" items. Riley recommended that these matters be simply enumerated with language such as "the CRC recommends no change." McLaughlin and Tarter were concerned that future readers of the CRC's report would not understand what that meant. King recommended that an Executive Summary might be an effective tool to use. Headen referred to her service as a legislator and noted that she wanted all information presented before casting a vote. She stated that the entire process of the CRC was more than an intellectual exercise.

Akers next asked the CRC to discuss the recommendations presented by Tarter. Tarter distributed the written draft of his recommendations, including a memo on campaign finance reform, proposed language for term limitations of elected officials, an article in Cleveland Magazine regarding campaign contributions, an article from the Midwest Democracy Network, a Plain Dealer article regarding Bill Mason and term limits and a spreadsheet detailing the campaign contribution limits established by the State of Ohio.

Tarter noted the contents of the Cleveland Magazine article and the large donations submitted by individuals to candidates for County Executive in the 2010 election. Tarter stated that contribution limits were needed to “level the playing field” of these elections. The other documents were reviewed by the CRC. Tarter proposed that the county limits match the limits imposed by the State of Ohio. McLaughlin stated that he would like some time to review the information but while he opposes campaign contribution limits, he felt that if any limits were to be imposed, it was his preference that the county having the county and state limits match was his preference. Riley noted he opposes contribution limits but pointed out that the County was alone in not imposing contribution limits. He but he was concerned about with including legislative language in the Charter. Callahan noted that the judiciary had separate mandates for campaign limits. King noted that the State limits addressed Senate and House Districts that did not directly correspond to County offices. Riley stated that the discussion was getting extremely specific and that perhaps the CRC could simply mandate that Council address the issue in Ordinance form. Tarter noted that the better office to use as a reference point would be the House Districts as they were almost the identical size as the County Council Districts. McLaughlin stated that the Senate limits could be applied to the Executive campaigns. Tarter noted that the City of Cleveland’s contribution limits are included in the City Charter. Akers asked if there was consensus on the issue to move the matter further. Riley noted that he was opposed to the imposition of limits. Headen did not want to discuss the matter as an issue moving forward. Akers noted that the Charter included a specific mandate regarding Economic Development responsibilities with a requirement that the plans be reviewed regularly.

Next, Tarter addressed the possibility of creating a website for reporting county-level campaign contributions. Headen noted that numerous aspects included were duplicative of operations already performed in the state system. She noted that having more reporting requirements was going to impede the ability of non-professionals to get involved in running for office as the reporting requirements can be difficult to meet. Tarter noted that the OEC’s filings are simply PDF’s and are not searchable. Headen noted that the OEC is moving toward electronic filing and this issue was probably not a charter matter. Riley noted that technology advances could make any provision obsolete over time. McLaughlin stated that a more prudent course to take would be to request that the Council take action via an Ordinance rather than including specific provisions in the form of a proposed Charter amendment.

Regarding the issue of enacting term limits, Tarter felt that any limitation on service would be for the elected official's lifetime so that the candidates could not be recycled after reaching the limit for service. Tarter noted that the competing interests involved losing institutional knowledge versus the desire to inject new individuals into the governing process. McLaughlin noted his objection to the concept of term limits, noting that the public can decide to limit any candidate's term of service at every election cycle. He noted that the political party machinery is what kept poor elected officials like Gerald McFaul in office, not the absence of any mandatory limitation of terms. Akers agreed with McLaughlin's comments. He stated that the term limitations in Columbus have been the worst thing for the state. Akers pointed to the desire to trade seats, the loss of institutional knowledge and the increased reliance on lobbyists as direct results of term limits. He added that leaders like Speaker of the House Joanne Davidson were removed from policy making and state leadership because of term limitations. Tarter noted that the voters instituted term limits. It was the will of the people. Tarter agreed that 8 years of permissible service was too short and he proposed that the limit of county service be set at 16 years. CRC members pointed out specific representatives like Ted Kennedy and Louis Stokes would not have been able to become respected leaders had term limits existed. Akers asked the CRC if there was a consensus to continue this discussion. After discussion, the CRC determined that a majority of the CRC members did not want to move forward on this issue. Tarter noted that he would present a minority report on this matter.

Next, Tarter asked the CRC to discuss his proposal addressing the procedure known as "double dipping" in which employees would retire from a government position, receive their pension and then be hired back in the same or nearly same position. Tarter noted that this process effectively blocked the employment of new employees. Tarter noted that he had amended his initial proposal. McLaughlin noted the desired impact of this proposal but did not believe that the topic was appropriate for the CRC. Callahan noted that the public does not understand that the monetary amounts in question are not public funds but actually belong to the employees' own pension funds. Tarter stated that he wanted to eliminate the financial incentive to double dip.

The CRC addressed the charter language submitted by the Next Generation Council regarding the county's hiring provisions and what factors should be considered in hiring. McLaughlin noted that the revised language that had been submitted removed the detailed listing of classes that would have to be considered by the county in making its hiring decisions. As such, the CRC agreed to move the issue forward.

Headen noted that she had received a statement from a constituent that she wished to read into the record. The letter was read and indicated that she wished to make the position of County Executive one that was appointed by the County Council. She believed that this would remove the Executive from any political pressure or campaigning obligations. The CRC thanked her for her input and willingness to engage in the democratic process.

Akers next sought comments on the recommendations submitted by former BOR Hearing Panel member Douglas Cooper. Akers noted that Cooper had appeared at the recent public meeting in Westlake and articulated his thoughts. The CRC agreed to discuss those proposals at an upcoming meeting. Next, Akers began a discussion about proposals submitted by Homer Taft. These matters involved the possibility of the Law Director appointing the Prosecutor and the Sheriff.

McLaughlin noted McGinty's previous comments before the CRC regarding the manner in which the Prosecutor was selected. McLaughlin noted that this was not an issue of politics. Rather, the Prosecutor is the only official that can prosecute officials in office. As such, he stated that the office of the Prosecutor needed to be independent of the Executive. Akers noted that the President appoints the Attorney General. McLaughlin agreed but illuminated the differences between the state and federal systems.

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

Draft\_\_\_\_\_

Issue\_\_\_\_\_

App.\_\_\_\_\_

Posted\_\_\_\_\_