



MINUTES
CUYAHOGA COUNTY CHARTER REVIEW COMMISSION
WEDNESDAY, DECEMBER 6, 2017
THE JERRY SUE THORNTON CENTER (FORD ROOM)
2500 EAST 22ND STREET
CLEVELAND, OHIO 44115
5:30 PM

1. CALL TO ORDER at 5:30 p.m.

Vice-Chairman Dennis G. Kennedy – called the meeting to order

2. ROLL CALL

Dennis G. Kennedy

Michael W. King

The Honorable Thomas P. Perciak

Victor A. Ruiz

David Russell

A quorum was established

3. APPROVAL OF MINUTES FROM NOVEMBER 21, 2017 MEETING

Correction: Change date

Correction: Proper spelling of William Tarter's last name

A motion was made and seconded to approve the minutes (Kennedy/King). Minutes approved.

4. DISCUSSION: PROPOSED AMENDMENTS

ATTACHMENT: All proposals for amendment as of 12/04/2017.

Advocates for all submissions to the Charter Review Commission for their consideration have been invited to propose their amendment to the Commission.

Testimony and materials from agenda, speakers follow.

A. Dan McNea

Topic: Change in authority of Personnel Review Commission

B. Jay Goldblatt

Topic: Open primaries

C. Erika Papp

Topic: Appointed Officials/Sherriff Elected Official

D. Will Tarter Jr.

Topic: Campaign Finance Language

E. Carol Jean Gates

Topic: Children of Offenders

5. DISCUSSION

6. PUBLIC INPUT:

1. Marcia Goldberg, League of Women Voters
Nonpartisan elections
Supports campaign finance
Opposes idea of elected Sheriff
2. Dale Miller, County Councilman
Executive and Council succession in mid-term
3. Ms. Loh

7. NEXT MEETING TO DISCUSS PRIORITIES

Next Meeting: January 3rd, 4:00 p.m.

8. ADJOURNMENT



Proposed Charter Amendment Summary Form

Purpose

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Contact Information

Name	William Tarter, Jr.	Email	wtarter@gmail.com
Organization	Former CRC Member (2012)	Phone	216-905-2337
Title	Commissioner	Address	Broadview Heights, Ohio

Proposed Charter Amendment Summary

Title	Campaign Finance Language
Summary	Creation and insertion of language that would define the maximum amount allowed in races
Intended effect and rationale of amendment. Include affected Charter sections.	<p>Problem:</p> <ul style="list-style-type: none"> -The Cuyahoga County Charter does not have any language related to campaign finance. -The City of Cleveland, the State of Ohio, the federal government, mayoral races, as well as judicial races have limits on campaign contributions. Cuyahoga County has no limits. -In the race for County Executive, one candidate received \$250,000 from one person, and \$150,000 from another. Even if it doesn't directly affect the outcome of the race, these unlimited amounts create a huge financial advantage. <p>Cause:</p> <ul style="list-style-type: none"> -The framers of the original Cuyahoga County Charter stated that the lack of campaign finance language was an "oversight" and "we missed it." -The transition committee of the Cuyahoga County government recommended finance limits as well, though they were considered low compared to limits in other races (\$3000 for Exec. And \$1000 for Council) -In the 2012 Charter Review Commission, the Commission voted unanimously to urge County Council to put language around Campaign Finance inserted into the Charter. Council could not come to an agreement on the language, and the issue was dropped. <p>Solution (Creation of Section 12.13):</p> <p>Pass a resolution with specific language on campaign finance issues including:</p> <ul style="list-style-type: none"> -Specific language that defines contributions or aligns the County with other entities regarding campaign finance limits.
Note	In early 2018, selected proposed amendments will be invited by the Commission to provide additional information, more detailed rationale, and suggested language for Charter Amendments. No need to provide that information in this summary document.



Proposed Charter Amendment Summary Form

Purpose

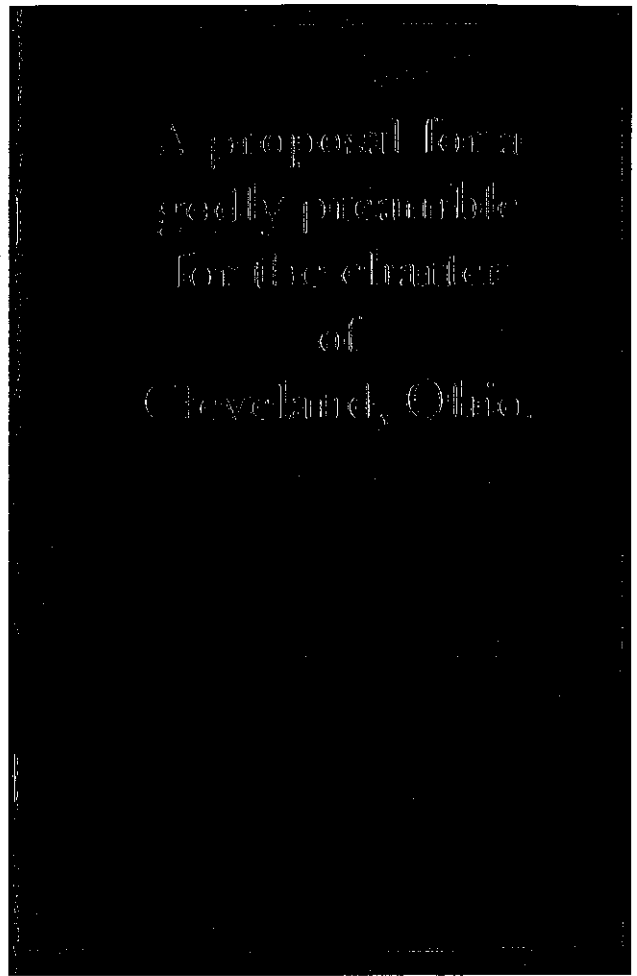
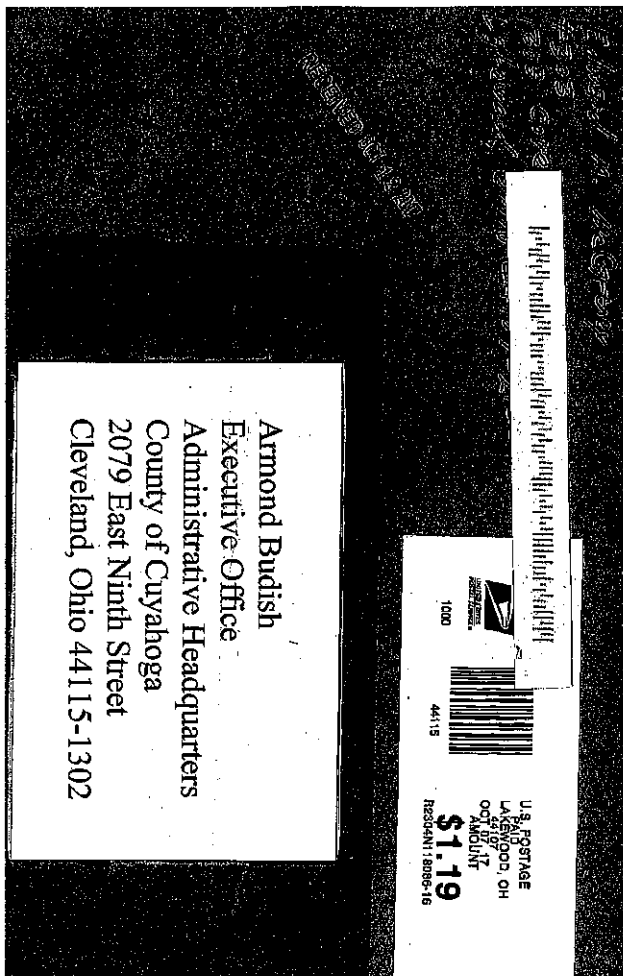
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Contact Information

Name	Erika Papp	Email	erikapapp44@gmail.com
Organization	Cuyahoga Co. Sheriff's Dep.	Phone	216-316-0417
Title	Corrections officer	Address	37498 Amber Way North Ridgeville, OH 44039

Proposed Charter Amendment Summary

Title	Appointed officials
Summary	Sheriff: Powers, Duties and Qualifications
Intended effect and rationale of amendment. Include affected Charter sections.	<p>All powers and duties now or hereafter rested or imposed upon county sheriffs by general law shall be carried out by the elected Sheriff. The Sheriff shall possess and continue to maintain the qualifications provided by general law for the office of County Sheriff and in addition shall have had at least five years experience in law enforcement or in correctional facility management.</p> <p>Since the amendment of the charter in the past, the legislative duties of the Sheriff has greatly diminished, and the ensuing problems are still endless. The actions of the past can not alter the fundamental powers and duties of the Sheriff, which is custodial control of the Sheriff department and the jail. Since the Sheriff's core responsibility is custodial control over these areas the Council should not have authority to direct how employees of the Sheriff's office are managed and resources in these areas utilized. If there are concerns over misconduct please impose two consecutive terms of four years (like the President) which limits the time one can be elected to office. Thank you</p>
Note	In early 2018, selected proposed amendments will be invited by the Commission to provide additional information, more detailed rationale, and suggested language for Charter Amendments. No need to provide that information in this summary document.



Preamble.

We, the citizens of the City of Cleveland, in the County of Cuyahoga, in the State of Ohio, in order to form a godly and truthful and righteous and moral city, exercise our God given constitutionally protected right and liberty to obey Almighty God, to whom we are thankful, advance the will of God, establish judgment and justice, insure tranquility, provide for the common safety, promote the general happiness and welfare, and secure the blessings of God to ourselves and our posterity, do frame and adopt this charter for the government of the city. We acknowledge that we and our words, such as constitutions or charters or laws or statutes or ordinances or resolutions or proclamations or contracts or otherwise, are under the God of Israel and the Father of our Lord Jesus Christ. We acknowledge that the holy scriptures (the scriptures) are the Authorized or King James Version of the Christian or Holy Bible, which is the old and new testaments. We acknowledge the superiority of the Creator (the Lord God omnipotent) and his law, and the rest of the scriptures. We acknowledge that we are subject unto the higher powers to the extent

that they are not contrary to God's will that is expressed in the scriptures. We acknowledge that we ought to walk in the ways of God Almighty by observing and doing his commandments; because God is worthy, and to avoid his curses. We hope that God's blessings come on us if we heed his word (the scriptures). Thus we desire to have the benefits of scriptural municipal home rule, and to exercise all the powers of local self-government. We desire to be righteously ruled by godly rulers that fear God, and that shall do justice and judgment, that evildoers be terrorised or punished, and doers of good be praised.

2017.07.28.1a.

Text. - Source.

We - Preamble to the Constitution of the United States of America, Joshua 24, Isaiah 2:2-3, II Kings 23:3, Jeremiah 3:25, and 7:21-23, and 34:15, Ezekiel 11:17-20, and Acts 5:29 of the Authorized Version or King James Version of the Holy Bible.

We, - Preamble to the charter of the County of Cuyahoga.

the citizens - A superscription on the outside of Cleveland Public Auditorium, and a memorial for John Huntington on the outside of the south entrance of the Cleveland Museum of Art.

of the - Preamble to the charter of Lakewood, Ohio.

City of Cleveland, - Section 1 of the charter of Cleveland, Ohio.

in the County of Cuyahoga, in the State of Ohio, - Preamble to the charter of Lakewood, Ohio.

in order to form a - Preamble to the Constitution of the United States of America.

godly and truthful and righteous and moral city, - Deuteronomy 4, Jeremiah 11:4, Psalm 33:12, Psalm 127:1, Isaiah 52:1, Hebrews 11:8-10,16,23, and

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We acknowledge that we are subject unto the higher powers to the extent that they are not contrary to God's will that is expressed in the scriptures. - Matthew 28:18-20, Romans 13:1-9, Acts 5:29, Matthew 6:10, and Ephesians 5:17.

We acknowledge that we ought to walk in the ways of God Almighty by observing and doing his commandments; because God is worthy, and to avoid his curses. - Deuteronomy 10:12-13, Deuteronomy 28, Revelation 4:11.

God Almighty - Revelation 11:17, and 15:3, and 16:14.

We hope that God's blessings come on us if we heed his word (the scriptures). - Deuteronomy 28:1-2, Psalm 119, II Timothy 3:15-17, and Public Law 97-280.

Thus we desire to have the benefits of - Preamble to the charter of Lakewood, Ohio.

scriptural - Isaiah 8:20, Ezra 7:10, and the fundamental agreement or original constitution of the colony of New Haven of anno Domini 1639.

municipal home rule, and to exercise all the powers of local self-government. - Preamble to the charter of Lakewood, Ohio.

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establish judgment and justice, - Preamble to the Constitution of the United States of America, and II Chronicles 9:8.

insure tranquility, - Preamble to the Constitution of the United States of America, Psalm 119:165, Isaiah 9:6-7, and 32:17-18, Jeremiah 29:7, and 33:6.

provide for the common safety, - Preamble to the Constitution of the United States of America, the Declaration of Independence, Psalm 17, and Psalm 127:1.

promote the general happiness and welfare, - Preamble to the Constitution of the United States of America, the Declaration of Independence, Deuteronomy 33:29, Psalm 144:15, and Deuteronomy 4:40.

and secure the blessings of God to ourselves and our posterity, - Preamble to the Constitution of the United States of America, and Deuteronomy 28, and Psalm 33:12.

do frame and adopt this charter for the government of the city. - Preamble to the charter of Lakewood, Ohio, and II Kings 23:3.

We acknowledge that we and our words, such as constitutions or charters or laws or statutes or ordinances or resolutions or proclamations or

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We desire to be righteously ruled by godly rulers that fear God, and that shall do justice and judgment, that evildoers be terrorised or punished, and doers of good be praised. - Proverbs 14:34, II Samuel 23:3-4, Proverbs 29:25, Deuteronomy 10:20, Ecclesiastes 12:13-14, Revelation 14:7, Genesis 18:19, Ezekiel 20:38, Romans 13:1-10, Psalm 37:9, Philipians 4:8-9, James 1:22, and I Peter 2:13-17.

2017.07.28.2a.

2017.07.28.4a.

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Title		Address	

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Contact Information

Name	DAN McNEA	Email	dmnea@sbcglobal.net
Organization	EMPLOYEE - CUYAHOGA COUNTY	Phone	216-310-0880
Title	PROGRAM OFFICER	Address	15829 NORMAN DR. Ave. Cleveland, OH 44111

Proposed Charter Amendment Summary

Title	CHANGE IN AUTHORITY OF PERSONNEL REVIEW COMMISSION
Summary	
Intended effect and rational of amendment. Include affected Charter sections.	<p>→ "HEARING OFFICERS" SHALL BE CONTRACTED ON A ROTATING BASIS FROM A LIST OF QUALIFIED ATTORNEYS. HEARING OFFICERS SHALL NOT BE HIRED AS COUNTY EMPLOYEES & REMAIN IN A NEUTRAL CAPACITY. NO SINGLE HEARING OFFICER SHALL HEAR A DISPROPORTIONATE NUMBER OF HEARINGS ASSIGNED BY THE PRC. ASSIGNMENTS SHALL BE ROTATED.</p> <p>RATIONAL: THE CURRENT SYSTEM OF ONE HEARING OFFICER employed by the County gives an employee a disadvantage in proving his or her case without presenting said case to a "neutral" hearing officer. A NON COUNTY EMPLOYED HEARING OFFICER WILL MAKE THE PROCESS FAIR FOR ALL CONCERNED.</p>
Note	In early 2018, selected proposed amendments will be invited by the Commission to provide additional information, more detailed rationale, and suggested language for Charter Amendments. No need to provide that information in this summary document.

Charter Commission Presentation
County Councilperson Dale Miller
December 6, 2017

Honorable Judge Adrine and Members of the Charter Review Commission:

I'm speaking today to bring to your attention the issues of Executive and Council succession in mid-term. The issues are complex, and I don't have the solution, but it is important and worthy of your attention.

In the event of a vacancy mid-term in the County Executive's Office, the Charter provides that the Council President shall become the County Executive until a successor is elected. This results in discontinuity in the County Council as well as the Executive's Office and uncertainty as to whether and how the Council President returns to Council once the election of a new County Executive is completed. In addition, the election process described in the Charter cannot be complied with if the vacancy occurs at certain times in the election cycle.

The previous Charter Review Commission recommended an alternative process. County Council strongly agreed on the need for change but did not place the issue on the ballot because of differing views as to whether the proposed solution was the best one.

In the event of a vacancy in a County Council office, the Charter provides for a temporary appointment, pending election. Three of the five County Council changes that have occurred so far have started with temporary appointment. In addition, like for the Executive, the election process described in the Charter cannot be complied with if the vacancy occurs at certain times in the election cycle. The prior Charter Review Commission recommended a narrow fix of the election timing issue. County Council did not place the issue on the ballot due to differing views as to whether to just the narrow fix or whether to move to special elections.

If the Commission chooses to deal with the general method of election for Executive and Council, as proposed by two presenters, changes to the succession procedures would be required as a result.

Part of what makes succession issues so difficult is the need for different procedures, depending on when the vacancy occurs in the election cycle. Therefore, if the Commission decides to take this on, you should start early and allow much time for detailed drafting and consideration of a variety of issues.

I do believe that current succession language in the Charter is deficient and that the issue is worthy of your attention.

Respectfully submitted,
Dale Miller, County Councilperson, District 2