



Meeting Agenda

Purpose: Organizational Meeting of the Charter Review Commission

Time: Wednesday, December 6th at 5:30pm

Location: The Jerry Sue Thornton Center (Ford Room)
2500 East 22nd Street
Cleveland, Ohio 44115

Commission Members:

The Honorable Ronald B. Adrine, Chairman
Diane Downing
The Honorable Susan A. Drucker
Dennis G. Kennedy, Vice Chairman
Michael W. King

The Honorable Thomas P. Perciak
Claire Rosacco
Victor A. Ruiz
Davida Russell

Agenda:

Item	Time	Action	Leader
1.	5:30	Call to Order, Roll Call	Chair
2.	5:35	Minutes	Chair
3.	5:40	Discussion: Proposed Amendments <i>Attachments: All proposals for amendment as of 12/04/17.</i> <i>Advocates for all submissions to the Charter Review Commission for their consideration have been invited to propose their amendment to the Commission.</i>	Staff

Name	Jay Goldblatt	Email	jj58gg@gmail.com
Organization		Phone	216 862 8789
Title		Address	

Name	Erica Papp	Email	Erikapapp44@gmail.com
Organization	Cuyahoga County Sheriff Office	Phone	2163160417
Title	Corrections Officer	Address	

Name	William Tarter Jr.	Email	wtarter@gmail.com
Organization	Former CRC	Phone	216-905-2337
Title	Commissioner	Address	

Name	Edward McCartney	Email	n/a
Organization		Phone	n/a
Title		Address	1303 Cove #303, 44107 (contacted by USPS)

Name	Caroljean Gates	Email	clevelandeastside@roadrunner.com
Organization	Cleveland East Side Ex Offenders	Phone	216-721-4267
Title	Executive Director	Address	
Name	Dan McNae	Email	dmcnae@sbcglobal.net
Organization	Cuyahoga County	Phone	216-310-0880
Title	Program Officer	Address	
4.		Discussion	Chair
5.	5:05	Public Input	
6.		Adjourn Next meeting: January 3 rd , 5:30pm	

Meeting Materials (previously distributed and posted online):

1. Meeting Minutes from November 21, 2017
2. All submissions for proposed amendments as of 12/04/17.



MINUTES
CUYAHOGA COUNTY CHARTER REVIEW COMMISSION
WEDNESDAY, OCTOBER 4, 2017
CUYAHOGA COUNTY ADMINISTRATIVE HEADQUARTERS
COMMITTEE ROOM A – 4TH FLOOR 4:00 PM

1. CALL TO ORDER

Chairman Ronald B. Adrine - called the meeting to order.

2. ROLL CALL

The Honorable Judge Ronald B. Adrine
The Honorable Susan A. Drucker
Dennis G. Kennedy
Michael W. King (joined at 4:25 pm)
Claire Rosacco
Victor A. Ruiz
Davida Russell (phone)

A quorum was established.

3. APPROVAL OF MINUTES FROM OCTOBER 4, 2017 MEETING.

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

4. DISCUSSION: PROCESS UPDATE – Discuss how to structure our work towards transmission of recommendations to County Council by June 2018.

Chairman Adrine introduced the agenda item, describing the process, then invited the Commission Clerk to provide additional detail.

The Clerk explained that his office scheduled this meeting for public officials, advocates and agency heads to share their proposals. They've been invited and briefed to submit a written summary and prepare a statement limited to five minutes at today's meeting. The purpose is to raise the issue and define the problem that needs to be fixed. It is not to propose a solution. The Commission will select the priority issues and then invite those advocates to present more information and proposals to address the problems we've identified meet the criteria for selection.

We've schedule another meeting for December, where the public will be invited to do the same. This approach was recommended though public input. We will meet at the Jerry Sue Thornton Center a little bit later than usual to improve access to the meeting. We already have three written proposals, which are also in your meeting packets.

Solicitation for input and proposals was based on the feedback from the October meeting. The Commission contacted public officials county wide to inform them that the Commission is convened and invite them to make proposals. Outreach was further extended to advocacy groups and the distribution lists used to share ordinary county business to do the same. Lastly, Commission staff used social media and had some successful traditional media coverage of the Commission in an effort to achieve suitable public outreach.

Staff will repeat that effort in a lead up to the December meeting.

5. DISCUSSION: PROPOSED AMENDMENTS – Discuss and determine the criteria used to evaluate proposed topics for Commission future discussions.

Testimony and materials from agenda speakers follow.

A. Marcia Goldberg, League of Women Voters

Topic: Office of Inspector General

B. Marcia Goldberg, League of Women Voters

Topic: Nonpartisan elections

C. Councilman Dale Miller

Topic: Inspector General Amendment

D. Rebecca Kopcienski, Executive Director of Personnel Review Commission

Topic: Proposed Amendments to Article IX

E. Armond Budish, County Executive

Topic: Roles of the PRC and Department of HR

Mayor Drucker encouraged the Commission to provide understanding to distinguish the roles and activities of the PRC and HR Department. Asking for clarity to include what the different bodies should do versus what they currently do or do not do.

Judge Adrine similarly requested a compare and contrast document, including examples of past or foreseen conflict and areas of uncertainty.

6. PUBLIC INPUT:

Chairperson Adrine called for public input.

Mr. William Tartar Jr. – Highlighted the discussion of the Inspector General's inclusion in the Charter, and the prior Commission thought that the IG should be included in the Charter.

Chairperson Adrine thanked Mr. Tartar Jr. for his input.

7. ADJOURNMENT

Judge Adrian thanked the Commission members. A motion was made and seconded to adjourn (King/Ruiz). Meeting adjourned 5:50pm.



Proposed Charter Amendment Summary Form

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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.



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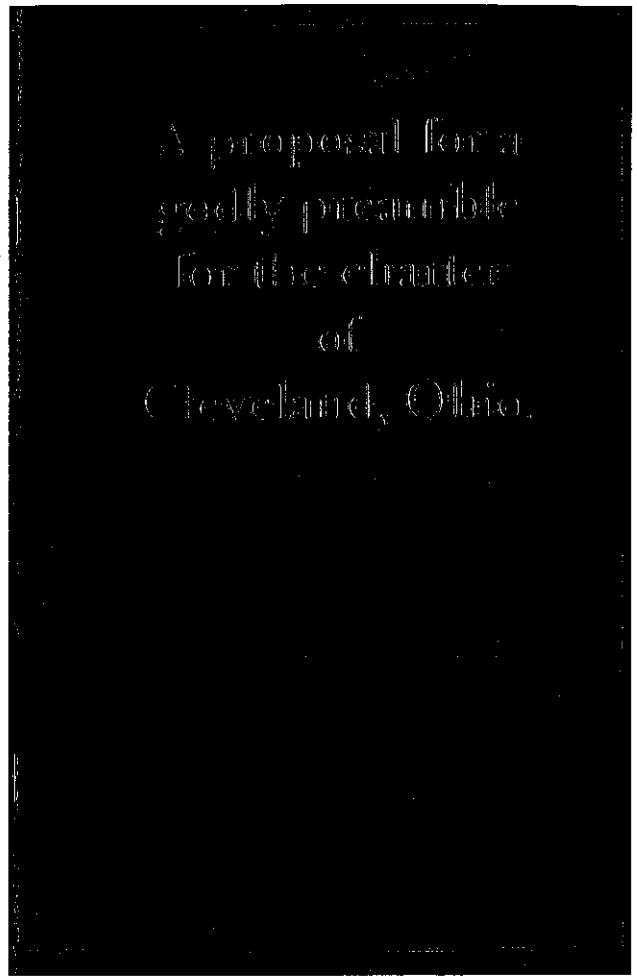
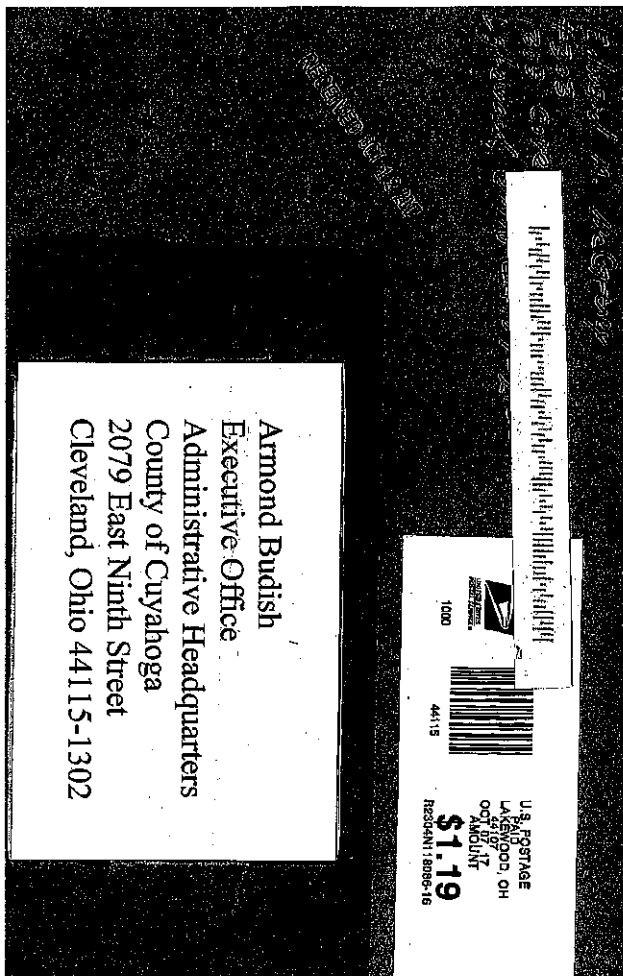
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Contact Information

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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Contact Information

Name	DAN McNEA	Email	dmcnea@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>
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Charter Amendment Oral Presentation, November 21, 2017

Honorable Chairman Judge Adrine and Distinguished Members of the Charter Review Commission:

This proposed amendment aims to ensure permanent status for the Inspector General's Office by incorporating language about the Inspector General into the County Charter. The amendment creates a new Article 15, establishing the Inspector General as a charter agency and setting forth the qualification for appointment, term, process for removal, and process for filling vacancies.

This proposed language has a long history. I played a role but former County Councilman Dave Greenspan, Mike King, and the 2012-3 Charter Review Commission played a greater role. Shortly after the start of the new government, we created the Inspector General's Office by ordinance. Council considered an Inspector General Amendment prior to the 2012-3 Charter Review Commission but decided to give the issue more time and see what the CRC recommended.

The 2012-3 Charter Review Commission recommended an Inspector General Amendment—a version stronger than this one. In addition to provisions similar to those presented here, it also provided confidentiality provisions, subpoena powers, and dedicated funding. There was not sufficient support on County Council to place the proposed amendment on the ballot. A bare-bones version was also considered and rejected—one which created the Inspector General's Office in the Charter but left almost everything else to be done by ordinance.

Over the next three years, Councilman Greenspan and I developed versions which took a middle ground, providing considerably more specifics than the bare-bones version but not as much as the 2012-3 CRC version. We came close to obtaining sufficient support to place the issue on the ballot.

The amendment proposed here is essentially the same as the latest version that Council considered, with dates properly updated. It has five key provisions:

1. Establishes the Inspector General as chief ethics officer of the County; states that Council will define powers and duties by ordinance.
2. Establishes qualifications—10 years' experience as CPA, internal auditor, licensed attorney, law enforcement officer, or other investigator.
3. Provides for 4-year term with next term starting January 1, 2020, providing a term staggered with the Executive's term, as recommended by the League of Women Voters, with appointment by Executive, subject to confirmation by Council.
4. Provides for removal during term only by vote of 8 members of Council.
5. Provides that if a vacancy occurs in mid-term, the Executive shall appoint a replacement for the remainder of the term, subject to confirmation by Council; also provides that if the vacancy occurs with less than 2 years left in term, Executive may appoint for remainder of term and next term, subject to Council confirmation.

It is now more than 10 years since the investigation of the County corruption scandal started. There is a risk that commitment to having such an Inspector General could wane as memory of the scandal recedes into the background. The IG Office has proven effective. Among other things, the County is undertaking a major effort to effectively collect economic development loan repayments. This resulted from an IG investigation.

I urge your Commission to recommend this language to incorporate the Inspector General into the County Charter, giving it permanent status. I also recommend that you consider the stronger provisions included in the League of Women Voters version, including subpoena powers and dedicated funding source, and recommend to Council the specific version that you believe will be most effective.

Thanks very much for your consideration of my testimony.

Respectfully submitted,
Dale Miller, County Councilperson, District 2

Appendix: Proposed amendment language:

SECTION 15.01 AGENCY OF INSPECTOR GENERAL.

(1) Powers and Duties. The Inspector General shall serve as the County's chief ethics officer and shall direct the Agency of Inspector General. The County Council shall establish, by ordinance, the powers and duties of the Agency of Inspector General and shall appropriate funding for the Agency's operation.

(2) Qualifications. The Inspector General shall have at least ten years' experience as an inspector general, certified public accountant, internal auditor, licensed attorney, law enforcement officer, or other investigative officer involving supervisory and managerial experience.

(3) Appointment and Term. The Inspector General shall be appointed by the County Executive, subject to confirmation by Council, for a term of four years. The term of the incumbent Inspector General shall expire on December 31, 2019. Each subsequent Inspector General shall be appointed or reappointed for a term commencing on January 1, 2020 and every four years thereafter. Reappointments shall be subject to Council confirmation.

(4) Removal. The Inspector General may only be removed from office by resolution receiving the affirmative vote of at least eight members of the Council.

(5) Vacancy. In the event of a vacancy prior to the expiration of the Inspector General's term, the County Executive shall appoint a successor to complete the unexpired term subject to confirmation by Council. In the event a vacancy occurs less than two years prior to the expiration of the Inspector General's four-year term, the County Executive may appoint an Inspector General to complete the unexpired term and serve a subsequent four-year term subject to confirmation by Council.

Acknowledgement: Councilman Dave Greenspan and Mike King deserve a lot of the credit for developing this language.



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Cuyahoga County Personnel Review Commission

Brief History and
Proposed Charter Amendments

- Established in Charter as Human Resource Commission
- Operational since 2011
- A Brief History**
- 2011, delegated duties to HR; rescinded in 2015
- Consistent and conservative growth, gradually fulfilling Charter responsibilities
- Last Charter Review: name change, appointment authority change, defined role of HR

The PRC's Functions

- 9.01 Conduct civil service testing for classified positions
- 9.02 (1) Resolve appeals from classified employees regarding certain employment actions
- 9.02 (2) Responsibility for administration of compliance with laws on personnel matters
- 9.03 Administer classification and compensation systems for non-bargaining employees

Concern #1

No mention of civil service; 'merit and fitness' not defined

CURRENT CHARTER 9.01

The Personnel Review Commission shall be responsible for administering, for and in cooperation with the officers, agencies, boards and commissions of the County, an efficient and economical system for the employment of persons in the public service of the County according to merit and fitness.

Proposed Amendment #1

PROPOSED CHARTER 9.01

The Personnel Review Commission shall be responsible for administering, for and in cooperation with the officers, agencies, boards and commissions of the County, an efficient and economical system for the employment of persons in the public service of the County, according to merit and fitness and **the laws governing the County's civil service** .

Concern # 2

No definition of 'responsibility for administration of compliance'

CURRENT CHARTER 9.02 (2)

The Personnel Review Commission shall have... Responsibility for administration of compliance with federal and state laws regarding personnel matters within the County Executive's organization and departments; ...

Proposed Amendment #2

PROPOSED CHARTER 9.02 (2)

The Personnel Review Commission shall have responsibility for administration of compliance with federal and state laws regarding personnel matters within the County Executive's organization and departments, ***including responsibility for conducting compliance audits and reviews, and issuing reports and recommendations to the County Executive and County Council regarding such compliance.***

Concern #3

Lack of defined list of positions in the unclassified service and
lack of an open and transparent process
for
creating new unclassified positions

Proposed Amendment #3

Specify those positions that are included in the unclassified service, and establish a transparent process for the approval of new unclassified positions, similar to other charter entities in the region.

Thank you



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- This form is to summarize proposed amendments to the Cuyahoga County Charter. Summaries will be part of the public Commission docket.
- The point of contact will be invited to present to the Charter Review Commission at its regularly scheduled meetings on November 1st and December 6th, 2017.
- 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.
- In June 2018, the Charter Review Commission will transmit recommendations for County Council consideration, consistent with the [County Charter](#) and [Council Ordinance 02015-0002](#).
- Charter Review Commission meetings, materials and additional information is available [online](#).

Contact Information

Name		Email	
Organization		Phone	
Title		Address	

Proposed Charter Amendment Summary

Title	
Summary	
Intended effect and rationale of amendment. Include affected Charter sections.	
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 Review Speaking Points:

- Once again, thank you all for your service on this Charter Review Commission.
- The charter is the constitution of the County and emphasizes the important governmental priorities of the County. The Charter was initially written and adopted in 2010, and it generally is quite good. But there are a few things that experience has shown us need adjusting. Today I'm presenting the one that's most important.
- The Charter encompasses a vision of a better, more prosperous and safe community. To achieve that, the County must have excellent human resources. The social workers protecting our children and seniors, our law enforcement personnel, our economic development staff, our 911 dispatchers, our administrators, managers and supervisors must be comprised of the best and most talented persons available. I have charged the Human Resources Department with doing everything we can to attract, develop and retain the best possible talent. To do this, the County needs a modern and effective human resources department that is strategic and accountable.
- Human Resources strategy must be aligned with the goals of the organization. Strategy regarding recruiting, developing, evaluating and compensating employees must also align with the budget and must be able to adapt to changing circumstances.
- A central problem with the Charter is that it does not effectively delineate between the roles of the Personnel Review Commission and the Department of Human Resources.
- In nutshell, the charter language does not sufficiently recognize that a county can have only one Human Resources Department, and that department must be under the authority of the County Executive. Instead, have a civil service

commission, an adjudicative body, that operates as an Human Resources Department, but outside of County management.

- The PRC performs an important function, but cannot serve as a lead in the development and administration of HR strategies. We believe the Charter should clearly state that the role of the PRC is to adjudicate employee appeals and to conduct testing so that employees entering the County's classified service are qualified and have been found fit to serve through a competitive process.
- Again, our goal is make Cuyahoga County an employer of choice, to attract, develop and retain the best possible talent. This is the only way we can meet the Charter's vision of making Cuyahoga County a better place to live and work for all residents of our community. Therefore, I am requesting that this Commission prioritize the amendment of the Charter to recognize that the Department of Human Resources can be the County's only Human Resources Department, and the Personnel Review Commission serve as the County's civil service commission.