



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 cheduled 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

### Purpose

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- The point of contact will be invited to present to the Charter Review Commission at its regularly scheduled meetings on November 1<sup>st</sup> and December 6<sup>th</sup>, 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](#).

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### Proposed Charter Amendment Summary

Title	
Summary	
Intended effect and rationale of amendment. Include affected Charter sections.	
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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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### **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.