



MINUTES  
**CUYAHOGA COUNTY CHARTER REVIEW COMMISSION**  
FRIDAY, FEBRUARY 16, 2018  
CUYAHOGA COUNTY ADMINISTRATIVE HEADQUARTERS  
COMMITTEE ROOM A – 4TH FLOOR 4:00 PM

**1. CALL TO ORDER / ROLL CALL**

Commission Members: Chairman Ronald B. Adrine, Diane Downing, Susan A. Drucker, Co-Chairman Dennis G. Kennedy, Michael W. King, Claire Rosacco, Victor A. Ruiz, Davida Russell, a quorum was determined. Commission member Thomas P. Perciak is not in attendance.

**Process:** Chairman Ronald B. Adrine – At the previous meeting, the commission combined topics that were similar and eliminated topics that were not appropriate for review by the Charter Review Commission.

This narrowed down the list to 7 topics:

- Roles of the PRC and Department of HR
- Change in Authority of Personnel Review Commission
- Executive and Council Succession
- Campaign Finance Language
- Office of Inspector General
- Inspector General Amendment
- Proposed Amendments to Article IX

The Commission plans to take one topic up per meeting. Final presentation to County Council will take place no later than June 30<sup>th</sup>.

**2. MINUTES**

Chairman Ronald B. Adrine called for a motion to accept the minutes from the December and January meetings that were up for review.

Motion was made by Michael W. King to accept the minutes seconded by Susan Drucker, motion was made to approve the minutes. Minutes were approved by unanimous vote.

- 3. DISCUSSION: Presentation - Roles of the PRC and HR**
- i. Cuyahoga County Department of Human Resources
  - ii. Proposal – Roles of the PRC and Department of HR

**Comment from County Executive Armond Budish** – I expected this to be a contentious meeting, but the leadership of the PRC and HR departments came together and worked out a compromise and agreement on the language that does clarify their issues. They worked together in a way that makes both organizations happy/satisfied. I appreciate their great work and their willingness to sit down and deal with the issues, that everybody saw the vagueness and lack of clarity and that everybody got together to work it out.

**Rebecca Kopicenski (Director of the Personnel Review Commission) and Ed Morales (Director of Human Resources for Employee and Labor Relations) presented the proposed changes for PRC and HR.**

**Ed Morales:**

- Clarify the roles of the PRC and HR
- Improve Article IX by deleting outdated language
- Simplify ambiguous provisions currently existing in the charter
- Ensure best practices & compliance
- Promote fiscal accountability
- Promote HR/PRC cooperation

The proposal each of you have in front of you achieves each of these objectives.

**Regards to the role of HR:**

- Make certain charter reflected the department's role regarding management
- Fiscal Accountability issue the CE had pointed that out as a specific issue.
- Charter reflected the role of HR with regards to a couple of functions that were not clear.
  - Recruiting
  - Individual comp decisions within the class plan and any ordinances or roles that council will adopt.

**Proposed Changes to Section 9.01**

Both agencies identified adding a classification:

- New language to provide added protection from discrimination by distinguishing gender identity as a unique classification
- Delete outdated language regarding initial appointment of commissioners upon charter implementation.

**Rebecca Kopicenski:**

**Proposed Changes to Section 9.02**

- Cleans up ambiguous language; Clarifies the role of the PRC
- Eliminates references to ambiguous functions
- Shifts recruitment functions to HR
- Eliminates authority regarding ethics – reassigned to AIG

**Proposed Changes to Section 9.02**

Clarifies the role of the PRC civil service testing.

**Proposed Changes to Section 9.03**

- Clarifies and simplifies ambiguous, inconsistent language
- Promotes fiscal accountability
- Simplifies and focuses Article IX on employees who are part of the charter government.
- Enhances language to fit the needs of a charter county.

**Proposed Changes to Section 9.04**

- No changes

**Proposed Changes to Section 9.05**

- Clarifies the role of HR

**Proposed Changes to Section 9.06**

- Shifts recruitment function to HR
- Clarifies role of HR with regard to compensation; clarifies role of HR to County Executive employees.

Discussion and questions to Ed Morales and Rebecca Kopicenski by Commission members Michael King, Susan A. Drucker, Victor A. Ruiz and Claire Rosacco. Question from Chairman Adrine regarding the final draft from HR/PRC and Mr. Morales states that they are working on the final draft and the commission should have it before the next meeting.

**4. Discussion: Presentation**

**Dan McNea (Program Officer for Cuyahoga County)**

Proposal – Change in Authority of Personnel Review Commission brings fairness and equity.

- Hearing Officer shall be contracted on rotating basis from a list of qualified attorneys.
- Hearing Officers shall not be 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.

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 concern.

Commission members Chairman Adrine, Victor A. Ruiz, Davida Russell, Susan A. Drucker, Michael King, Dennis G. Kennedy, asked questions of Dan McNea, Rebecca Kopicenski, Sara DeCaro (staff attorney for the PRC) and Ed Morales.

Questions were answered by them regarding the Hearing Officer’s salary, duties, hours worked per week, qualifications, expertise in labor law, civil service law, time lines, etc. Questions were asked and answered about the Board of Commissions and the PRC and the hearing process.

Dennis G. Kennedy wanted the question of whether this proposal is appropriate for the Charter Review Commission addressed.

**5. DISCUSSION:**

**6. PUBLIC INPUT:**

- Councilman Dale Miller
- Audrey Morris

**Councilman Dale Miller**

Executive Succession - Two major problems with the current language.

1. The current Executive Succession language creates disruption of the council and County Administration. It fails to take into consideration that the roles of Councilperson and Council Executive are very different.

The only other county government in Ohio that has this language is Summit County. Summit County's language states that Executive Succession does not create a vacancy for council president or council person, making this a temporary position. Cuyahoga County Charter language does create a vacancy.

2. Current language relies on appointments and over time a high percentage of appointments would have started by appointment and would frustrate the democratic process.

**Commented [RA1]:** I don't understand what this sentence means.

Suggested changes are the following:

1. Law director will perform the Executive duties.
2. The Council will appoint an interim successor within 14 days
3. Except during the last year of the term, the vacancy will be by special election.
4. The vote will be a single vote with no primary
5. The interim appointee will be precluded from running in the special election
6. Council is given power thru the legislative process to specify additional details of the succession process and to provide the handling of temporary vacancies such as disabilities.

Councilman Dale Miller expressed that he is open to responding to additional questions. Chairman Ronald B. Adrine thanked him and let him know that this topic will be on the Commission's next meeting agenda. This will give the commission time to review his presentation.

#### **Audrey Morris – League of Women Voters**

Indicated that the League wished to express its support for the PRC, IG and Campaign Finance proposals.

#### **Linda Myer – League Specialist**

##### **The Personnel System**

We are concerned with the steady increase of unclassified employees.

- There is no specific language anywhere that specifies what constitutes or what should constitute unclassified employees.

We would want it more defined in the charter.

Chairman Ronald B. Adrine – Appreciated their input and suggested that It would be best to proceed to consider this topic when it is scheduled to be taken up by the commission in order for it to be handled in more depth.

Next scheduled meeting will be held March 7, 2018, 4:00pm.

Discussion Topic: Executive / Council Succession

**ADJOURNMENT: Next meeting: Wednesday, March 7<sup>th</sup>, 4:00 p.m.**