



MINUTES

CUYAHOGA COUNTY COMMITTEE OF THE WHOLE MEETING

THURSDAY, JULY 11, 2013

CUYAHOGA COUNTY JUSTICE CENTER

COUNCIL CHAMBERS – 1ST FLOOR

1:00 PM

1. CALL TO ORDER

Due to the nature of the items referred to Committee, Council President Connally requested that Councilmember Greenspan, Chair of the Council Operations and Intergovernmental Relations Committee, preside over the meeting. Chairman Greenspan then called the meeting to order at 1:09 p.m.

2. ROLL CALL

Chairman Greenspan asked Clerk Schmotzer to call the roll. Councilmembers Simon, Connally, Miller, Germana, Gallagher, Conwell, Jones and Greenspan were in attendance and a quorum was determined. Councilmember Rogers entered the meeting shortly after the roll call was taken. Councilmembers Brady and Schron were absent from the meeting.

3. PUBLIC COMMENT RELATED TO AGENDA

There was no public comment related to the agenda.

4. MATTERS REFERRED TO COMMITTEE

Resolution Nos. R2013-0133, R2013-0134, R2013-0135, R2013-0136, R2013-0137, R2013-0138, R2013-0139 and R2013-0140 were previously considered at the July 10, 2013 Committee of the Whole meeting.

- a) R2013-0133: A Resolution providing for the submission to the electors of the County of Cuyahoga an amendment to Article II, Section 2.03(2) of the Charter of Cuyahoga County relating to the appointment authority of the County Executive; and declaring the necessity that this Resolution become immediately effective.

Sponsors: Council President Connally on behalf of Charter Review Commission

No legislative action was taken on Resolution No. R2013-0133.

- b) R2013-0134: A Resolution providing for the submission to the electors of the County of Cuyahoga an amendment to Article III, Section 3.09 of the Charter of Cuyahoga County imposing a duty on Council to enact campaign finance laws governing the election of County officers and officials; and declaring the necessity that this Resolution become immediately effective.

Sponsors: Council President Connally on behalf of Charter Review Commission

No legislative action was taken on Resolution No. R2013-0134.

- c) R2013-0135: A Resolution providing for the submission to the electors of the County of Cuyahoga an amendment to Article V, Section 5.01 of the Charter of Cuyahoga County requiring the Executive to solicit the advice of the Administrative Judges served by the Clerk of Courts prior to appointing the Clerk of Courts; and declaring the necessity that this Resolution become immediately effective.

Sponsors: Council President Connally on behalf of Charter Review Commission

No legislative action was taken on Resolution No. R2013-0135.

- d) R2013-0136: A Resolution providing for the submission to the electors of the County of Cuyahoga an amendment to Article VI, Section 6.02 of the Charter of Cuyahoga County clarifying the role of the Board of Revision; and declaring the necessity that this Resolution become immediately effective.

Sponsors: Council President Connally on behalf of Charter Review Commission

No legislative action was taken on Resolution No. R2013-0136.

- e) R2013-0137: A Resolution providing for the submission to the electors of the County of Cuyahoga an amendment to Article III, Section 3.10(5) of the Charter of Cuyahoga County specifying actions of Council that do not require Executive approval to be binding; and declaring the necessity that this Resolution become immediately effective.

Sponsors: Council President Connally on behalf of Charter Review Commission

No legislative action was taken on Resolution No. R2013-0137.

- f) R2013-0138: A Resolution providing for the submission to the electors of the County of Cuyahoga an amendment adding Article XIV, Section 14.01 of the Charter of Cuyahoga County establishing the Agency of Inspector General in the Charter; and declaring the necessity that this Resolution become immediately effective.

Sponsors: Council President Connally on behalf of Charter Review Commission

No legislative action was taken on Resolution No. R2013-0138.

- g) R2013-0139: A Resolution providing for the submission to the electors of the County of Cuyahoga an amendment to Article III, Section 3.03 of the Charter of Cuyahoga County preventing the disqualification of a Council member from serving the full term to which the member has been elected due to redistricting; and declaring the necessity that this Resolution become immediately effective.

Sponsors: Council President Connally on behalf of Charter Review Commission

No legislative action was taken on Resolution No. R2013-0139.

- h) R2013-0140: A Resolution providing for the submission to the electors of the County of Cuyahoga an amendment to Article II, Section 2.01 of the Charter of Cuyahoga County requiring any candidate for election as County Executive be an elector of the County for at least two years immediately prior to filing of the declaration of candidacy; and declaring the necessity that this Resolution become immediately effective.

Sponsors: Council President Connally on behalf of Charter Review Commission

No legislative action was taken on Resolution No. R2013-0140.

In general, Mr. Michael King, Assistant Law Director; Mr. William Tarter and Mr. Patrick McLaughlin, representing the Charter Review Commission; Mr. Majeed Makhoul, Director of Law; and Mr. Jim Boyle, Clerk of the Charter Review Commission; addressed the Committee regarding Resolution Nos. R2013-0141, R2013-0142, R2013-0143, R2013-0144, R2013-0145, R2013-0146, and R2013-0147 as the items were discussed. Councilmembers asked questions pertaining to the items, which were answered accordingly. Discussion ensued.

- i) R2013-0141: A Resolution providing for the submission to the electors of the County of Cuyahoga amendments to Article IV, Section 4.01 and Article V, Section 5.06 of the Charter of Cuyahoga County allocating legal

duties between the County Prosecutor and the Director of Law to clarify the responsibilities of each office; and declaring the necessity that this Resolution become immediately effective.

Sponsors: Council President Connally on behalf of Charter Review Commission

Specifically, Mr. Gary Johnson, representing the Office of the Prosecutor, and Mr. Majeed Makhlouf, Director of Law; addressed Council regarding Resolution No. R2013-0141. Discussion ensued. Councilmembers asked questions of Mr. Johnson and Mr. Makhlouf pertaining to the item, which they answered accordingly.

A motion was made by Mr. Greenspan and seconded by Mr. Germana to refer Resolution No. R2013-0141 to the full Council agenda for second reading with a recommendation that this Charter amendment be placed on the ballot. The motion failed by a roll-call vote of 1 yea to 8 nays with Councilmember Gallagher voting in the affirmative and Councilmembers Simon, Connally, Miller, Germana, Conwell, Jones, Rogers and Greenspan casting dissenting votes.

On a motion by Mr. Greenspan with a second by Mr. Miller, Resolution No. R2013-0141 was considered and approved by a majority roll-call vote to be referred to the full Council agenda for second reading with a recommendation that this Charter amendment not be placed on the ballot with Councilmembers Simon, Connally, Miller, Germana, Conwell, Jones, Rogers and Greenspan voting in the affirmative and Councilmember Gallagher casting the only dissenting vote.

- j) R2013-0142: A Resolution providing for the submission to the electors of the County of Cuyahoga an amendment to Article XII, Section 12.09 of the Charter of Cuyahoga County adjusting the timeline for the appointment process and the commencement of the term of the Charter Review Commission for the year in which the appointment is made; and declaring the necessity that this Resolution become immediately effective.

Sponsors: Council President Connally on behalf of Charter Review Commission

A motion was made by Mr. Greenspan and seconded by Ms. Conwell to refer Resolution No. R2013-0142 to the full Council agenda for second reading with a recommendation that this Charter amendment be placed on the ballot. The motion failed by a roll-call vote of 0 yeas to 8 nays with no Councilmembers voting in the affirmative and Councilmembers Simon, Connally, Miller, Germana, Conwell, Jones, Rogers and Greenspan casting dissenting votes.

On a motion by Mr. Greenspan with a second by Ms. Conwell, Resolution No. R2013-0142 was considered and approved by a unanimous roll-call vote to be referred to the full Council agenda for second reading with a recommendation that this Charter amendment not be placed on the ballot.

- k) R2013-0143: A Resolution providing for the submission to the electors of the County of Cuyahoga an amendment to Article II, Section 2.04 Vacancy of the Executive of the County Charter requiring the County Executive to designate a successor and more clearly specify the order of succession in case of a vacancy; and declaring the necessity that this Resolution become immediately effective.

Sponsors: Council President Connally on behalf of Charter Review Commission

On a motion by Mr. Greenspan with a second by Mr. Rogers, Resolution No. R2013-0143 was considered and approved by a majority roll-call vote to be referred to the full Council agenda for second reading with a recommendation that this Charter amendment be placed on the ballot with Councilmembers Connally, Miller, Germana, Jones, Rogers and Greenspan voting in the affirmative and Councilmembers Simon, Gallagher and Conwell casting dissenting votes.

A short recess was taken after which Chairman Greenspan reconvened the meeting.

- l) R2013-0144: A Resolution providing for the submission to the electors of the County of Cuyahoga an amendment to Article III, Section 3.07 Vacancies and Length of Appointment of Council clarifying the length of appointment should a vacancy in the Council arise; and declaring the necessity that this Resolution become immediately effective.

Sponsors: Council President Connally on behalf of Charter Review Commission

On a motion by Mr. Greenspan with a second by Ms. Simon, Resolution No. R2013-0144 was considered and approved by a unanimous roll-call vote to be referred to the full Council agenda for second reading with a recommendation that this Charter amendment be placed on the ballot.

- m) R2013-0145: A Resolution providing for the submission to the electors of the County of Cuyahoga an amendment to Article XI adding Section 11.05 Performance Audit of Cuyahoga County's Justice System requiring the County Executive to appoint a board or university to conduct a performance audit of the Cuyahoga County Justice System; and declaring the necessity that this Resolution become immediately effective.

Sponsors: Council President Connally on behalf of Charter Review Commission

Specifically, Ms. Colleen Reali, Assistant Prosecuting Attorney, addressed Council regarding Resolution No. R2013-0145. Discussion ensued. Councilmembers asked questions of Ms. Reali pertaining to the item, which she answered accordingly.

On a motion by Mr. Greenspan with a second by Mr. Germana, Resolution No. R2013-0145 was considered and approved by a majority roll-call vote to be referred to the full Council agenda for second reading with a recommendation that this Charter amendment be placed on the ballot, with Councilmembers Miller, Germana, Gallagher, Jones, Rogers and Greenspan voting in the affirmative and Councilmembers Simon, Connally and Conwell casting dissenting votes.

- n) R2013-0146: A Resolution providing for the submission to the electors of the County of Cuyahoga an amendment to Article V, Section 5.01 Appointment and Confirmation of Officers and Section 5.08 Sheriff: Powers, Duties, and Qualifications establishing the term of appointment and process of removal of the Sheriff; and declaring the necessity that this Resolution become immediately effective.

Sponsors: Council President Connally on behalf of Charter Review Commission

A motion was made by Mr. Greenspan and seconded by Mr. Gallagher to refer Resolution No. R2013-0146 to the full Council agenda for second reading with a recommendation that this Charter amendment be placed on the ballot. The motion failed by a roll-call vote of 0 yeas to 8 nays with no Councilmembers voting in the affirmative and Councilmembers Simon, Connally, Miller, Germana, Gallagher, Conwell, Jones and Greenspan casting dissenting votes.

On a motion by Mr. Greenspan with a second by Mr. Germana, Resolution No. R2013-0146 was considered and approved by a unanimous roll-call vote to be referred to the full Council agenda for second reading with a recommendation that this Charter amendment not be placed on the ballot.

- o) R2013-0147: A Resolution providing for the submission to the electors of the County of Cuyahoga an amendment to Article II, Section 2.03(12) Powers and Duties and Article IX, Sections 9.01 through 9.05 and to add Section 9.06 renaming the Human Resource Commission, clarifying its powers and duties and establishing an office of the Director of Human Resources; and declaring the necessity that this Resolution become immediately effective.

Sponsors: Council President Connally on behalf of Charter Review Commission

A motion was made by Mr. Greenspan and seconded by Ms. Conwell to refer Resolution No. R2013-0147 to the full Council agenda for second reading with a recommendation that this Charter amendment be placed on the ballot. The motion failed by a roll-call vote of 0 yeas to 8 nays with no Councilmembers voting in the affirmative and Councilmembers Simon, Connally, Miller, Germana, Gallagher, Conwell, Jones and Greenspan casting dissenting votes.

On a motion by Mr. Greenspan with a second by Ms. Conwell, Resolution No. R2013-0147 was considered and approved by a unanimous roll-call vote to be referred to the full Council agenda for second reading with a recommendation that this Charter amendment not be placed on the ballot, which was not an item under consideration during this meeting.

5. MISCELLANEOUS BUSINESS

There was no miscellaneous business.

6. PUBLIC COMMENT UNRELATED TO AGENDA

Ms. Erika Anthony, Mr. Bryce Sylvester and Mr. Jason Russell, representing the Next Generation Council; addressed the Committee regarding issues of concern to them relating to Resolution No. R2013-0133, a Resolution providing for the submission to the electors of the County of Cuyahoga an amendment to Article II, Section 2.03(2) of the Charter of Cuyahoga County relating to the appointment authority of the County Executive.

7. ADJOURNMENT

With no further business to discuss, the meeting was adjourned at 4:26 p.m., without objection.