



**AGENDA**  
**CUYAHOGA COUNTY RULES, CHARTER REVIEW, ETHICS & COUNCIL OPERATIONS**  
**COMMITTEE MEETING**  
**TUESDAY, MAY 8, 2012**  
**CUYAHOGA COUNTY JUSTICE CENTER**  
**COUNCIL CHAMBERS – 1<sup>ST</sup> FLOOR**  
**1:00 PM**

- 1. CALL TO ORDER**
- 2. ROLL CALL**
- 3. PUBLIC COMMENT RELATED TO THE AGENDA**
- 4. APPROVAL OF MINUTES FROM THE MAY 1, 2012 MEETING**
- 5. MATTERS REFERRED TO COMMITTEE**
  - a) Discussion regarding proposed Charter Amendments
- 6. MISCELLANEOUS BUSINESS**
- 7. OTHER PUBLIC COMMENT**
- 8. ADJOURNMENT**

\*In accordance with Ordinance No. O2011-0020, complimentary parking in the Huntington Park Garage will be available for the public **beginning at 4:00 p.m.** on any day when the Council or any of its committees holds evening meetings. Please see the Clerk to obtain a parking pass.



## **MINUTES**

CUYAHOGA COUNTY RULES, CHARTER REVIEW, ETHICS & COUNCIL OPERATIONS  
COMMITTEE MEETING  
TUESDAY, MAY 1, 2012  
CUYAHOGA COUNTY JUSTICE CENTER  
COUNCIL CHAMBERS – 1<sup>ST</sup> FLOOR  
1:00 PM

1. CALL TO ORDER

**Chairman Greenspan called the meeting to order at 1:03 p.m.**

2. ROLL CALL

**Assistant Deputy Clerk Thurman called the roll. Committee members Greenspan, Miller, Brady and Connally were in attendance and a quorum was determined. Committee member Simon was absent from the meeting. Councilmember Conwell was also in attendance.**

3. PUBLIC COMMENT RELATED TO THE AGENDA

**No public comments were given.**

4. APPROVAL OF MINUTES FROM THE APRIL 24, 2012 MEETING

**A motion was made by Ms. Connally, seconded by Mr. Miller and approved by unanimous vote to approve the minutes of the April 24, 2012 meeting.**

5. MATTERS REFERRED TO COMMITTEE

a) OLD BUSINESS

- 1) M2012-0004: A Motion amending various Rules of the Cuyahoga County Council; and declaring the necessity that this Motion become immediately effective.

Mr. Miller introduced two written amendments on the floor. Discussion ensued.

A motion was then made by Mr. Miller, seconded by Mr. Greenspan and approved by unanimous vote to delete proposed Rule 10 from Motion M2012-0004.

A motion was then made by Mr. Miller, seconded by Mr. Greenspan and approved by unanimous vote to insert “(15) *Report by the Clerk on legislation withdrawn by the request of the sponsors*” after item (14) and renumber the remaining items.

On a motion by Mr. Miller with a second by Ms. Greenspan, Motion No. M2012-0004 was considered and approved by unanimous vote to be referred to the full Council agenda with a recommendation for passage under second reading suspension of the rules.

- 2) O2012-0004: An Ordinance amending the Cuyahoga County Code of Ethics, as amended, and declaring the necessity that this Ordinance become immediately effective.

Mr. Greenspan introduced a proposed substitute to Ordinance No. O2012-0004. Discussion ensued.

Mr. Trevor McAleer, Legislative Budget Advisor, addressed the Committee regarding Ordinance No. O2012-0004. Discussion ensued.

Committee members asked questions of Mr. McAleer pertaining to the item, which he answered accordingly.

A motion was made by Mr. Greenspan, seconded by Mr. Miller and approved by unanimous vote to amend Ordinance O2012-0004 to delete “*or serving in a temporary or permanent position*” from the definition of “Employee.”

A motion was then made by Mr. Greenspan, seconded by Mr. Brady and approved by unanimous vote to amend Ordinance No. O2012-0004 to delete “*or serving in a temporary or permanent position*” from the definition of “Public Officials.”

A motion was made by Mr. Greenspan, seconded by Mr. Miller and approved by unanimous vote to amend Ordinance No. O2012-0004 and insert “*or a campaign contribution*” under the definition of Benefits.

A motion was then made by Mr. Greenspan, seconded by Ms. Connally and approved by unanimous vote to delete the last sentence in Section 22(B).

Mr. Makhlof, Director of Law, and Ms. Nailah Byrd, Inspector General, addressed the Committee regarding Ordinance No. O2012-0004. Discussion ensued.

**Committee members asked questions of Mr. Makhlouf and Ms. Byrd pertaining to the item, which they answered accordingly.**

**A motion was made by Ms. Connally, seconded by Mr. Greenspan and approved by unanimous vote to delete “promptly” from Section 22(C).**

**A motion was then made by Ms. Connally, seconded by Mr. Greenspan and approved by unanimous vote to delete “promptly” from Section 23(B).**

**A motion was made by Mr. Greenspan, seconded by Mr. Miller and approved by unanimous vote to accept the proposed substitute Ordinance.**

**On a motion by Mr. Greenspan with a second by Mr. Miller, Ordinance No. O2012-0004 was approved by unanimous vote to be referred to the full Council agenda under second reading, as substituted and amended.**

## **6. DISCUSSION**

### **a) Charter Amendment Process**

**Mr. Greenspan provided the Committee with an overview of the Charter amendment process. Discussion ensued.**

**Ms. Conwell addressed the Committee regarding Charter Proposal 6, Human Resources Commission appointments. Discussion ensued.**

**A motion was made by Mr. Brady, seconded by Ms. Connally and approved by unanimous vote to refer Charter Proposal 6 to the Law Department to draft a Resolution for Council.**

**Mr. Makhlouf and Ms. Barbara Marburger, Assistant Prosecutor addressed the Committee regarding Charter Proposal 1, clarifying the Executive’s authority. Discussion ensued.**

**Committee members asked questions of Mr. Makhlouf and Ms. Marburger pertaining to Charter Proposal 1, which they answered accordingly.**

**A motion was then made by Mr. Miller, seconded by Mr. Brady and approved by unanimous vote to refer Charter Proposal 1 to the Law Department to draft a Resolution for Council.**

**Ms. Rebecca Kopcienski, Human Resources Commission Administrator, and Mr. Makhlouf addressed the Committee regarding Charter Proposal 7, Human Resources Commission authority and responsibilities. Discussion ensued.**

**Committee members asked questions of Ms. Kopcienski and Mr. Makhlouf pertaining to Charter Proposal 7, which they answered accordingly.**

**On a motion by Mr. Miller with a second by Ms. Connally, Charter Proposal 7 was approved by unanimous vote to be referred to the Charter Review Commission.**

**7. MISCELLANEOUS BUSINESS**

**There was no miscellaneous business.**

**8. OTHER PUBLIC COMMENT**

**No public comments were given.**

**9. ADJOURNMENT**

**With no further business to discuss, the meeting was adjourned by Chairman Greenspan at 3:10 p.m., without objection.**



## Cuyahoga County Council Memorandum

TO: C. Ellen Connally, President and Cuyahoga County Councilmembers

FROM: Joanne Gross, Senior Policy Advisor

DATE: April 20, 2012

SUBJ: 2012 Charter Amendment Proposals

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Attached is a compilation of proposed Charter amendments for consideration by Council for possible placement on the November 2012 ballot. We asked Councilmembers and the Executive administration for suggestions of amendments that they considered important and urgent enough to place before the voters in this fall's general election. We did so for two reasons: cost and clarity. Because 2012 is an even-year election, it will ultimately cost the county less money to put amendments on the general election ballot than it would in an odd-year election. In addition, operational issues have been raised over the past year or so that call for clarification of Charter language and meaning.

Please forward the attached to the Rules, Ethics and Charter Review Committee. A proposed timeline entails public Rules Committee discussions through May and June. Individual resolutions of amendment, if any are recommended, will be introduced for first reading in July, with subsequent 2<sup>nd</sup> and 3<sup>rd</sup> readings through August. Proposed questions and charter language are due to the Board of Elections on September 7, 2012. We are hoping to send any proposed Charter amendments to the BOE by mid to late August.

Following is a list of proposals, organized by existing Charter section with the sponsor(s) identified:

1. Clarifying Executive's authority - 2.03(1) and layoff jurisdictions -9.04; Sponsor – Executive and Director of Human Resources
2. Vacancies for Council and the Executive -clarifying time lines -2.04 and 3.07; Sponsor –Councilmember Miller
3. Actions of Council not requiring Executive approval - 3.10 (5); Sponsor – Councilmember Miller
4. Clarification of Roles of the Fiscal Officer, Treasurer, and Chief Information Officer – 5.02, 5.07, and 10.01; Sponsors – Executive, Fiscal Officer, Treasurer, Office of Procurement & Diversity, Chief Information Officer
5. Board of Revision – clarifications -6.02; Sponsor – Councilmember Miller
6. HRC Appointments - considering HRC as Council appointments -9.01; Sponsor – Councilmember Conwell
7. HRC authority and responsibilities – request for general clarification of – 9.01, 9.03, 9.04; Sponsor – Human Resource Commission
8. Purchasing Department - renaming to reflect current practice and calling for a Director -10.01 and adding 10.02; Sponsor –Councilmembers Jones and Miller
9. Internal Auditing – terms of office of Audit Committee and Internal Auditor – 11.01, 11.03; Sponsor Councilmember Connally
10. Creating the Agency of Inspector General under the Charter – new Article 14; Sponsor- Executive and Director of Human Resources.

It is possible that one or more additional proposals may be submitted at a later date. But we wanted to give Council adequate time to consider these proposals fully and to allow sufficient public input as well.



## CHARTER REVIEW FORM

<b>Sponsor's Name:</b> Law Director on behalf of County Executive/HR Director
<b>Date Submitted:</b> April 2, 2012
<b>Sponsor's Phone:</b> 698-6549
<b>Sponsor's Email:</b> mmakhlouf@cuyahogacounty.us
<b>GENERAL TOPIC (e.g. Council Redistricting)</b>
Clarification of Appointing Authorities
<b>CHARTER SECTION(S) AFFECTED (e.g. Sections 3.04 (2) &amp; (3) – Council Districts)</b>
2.03(1) and 9.04
<b>CURRENT LANGUAGE OF SECTIONS AFFECTED</b>
See redlines below
<b>SUMMARY AND RATIONALE FOR CHANGE</b>
Clarify the Executive's authority in section 2.03(1) and the layoff jurisdiction under Section 9.04.
<b>PROPOSED LANGUAGE (WITH DELETIONS CROSSED OUT AND ADDITIONS BOLDED)</b>
<p>2.03(1): To appoint, <b>promote, demote,</b> suspend, discipline and remove all County personnel, including those appointive officers provided for in Article V hereof <b>and the employees in their departments</b> and except those who, as provided by general law, are under the jurisdiction of <del>officers,</del> boards, agencies, commissions and authorities of the County other than the board of county commissioners. . .</p> <p>9.04: The County Executive and the officers, offices, agencies, departments, boards and commissions and other public bodies, who under this Charter or under general law are authorized to employ persons in the service of the County, shall be appointing authorities. <b>For purposes of layoff jurisdiction and transfer of employees, every Article V officer and every county department shall be its own jurisdiction. Consistent with Section 2.03(1), for purposes of employing, suspending, disciplining, promoting, demoting, and removing employees of the Article V officers and any department, approval of the County Executive shall be required. The County Executive may delegate such authority to any officers as he or she sees fit.</b></p>



## CHARTER REVIEW FORM

<b>Sponsor's Name:</b> Dale Miller
<b>Date Submitted:</b> February 6, 2012
<b>Sponsor's Phone:</b> (216) 698-2011
<b>Sponsor's Email:</b> <a href="mailto:damiller@cuyahogacounty.us">damiller@cuyahogacounty.us</a>
<b>GENERAL TOPIC (e.g. Council Redistricting)</b>
Vacancies for Council and Executive
<b>CHARTER SECTION(S) AFFECTED (e.g. Sections 3.04 (2) &amp; (3) – Council Districts)</b>
Section 2.04 – Vacancy & Section 3.07 Vacancies; Length of Appointment
<b>CURRENT LANGUAGE OF SECTIONS AFFECTED</b>
<p>Section 2.04 Vacancy:</p> <p>In the event the office of the County Executive becomes vacant by reason of death, resignation, removal from office, failure to remain an elector of the County or for any other reason, the President of Council shall succeed to the office of County Executive on an interim basis. If a vacancy occurs in the first or second year of a four-year term, the interim succession shall be for a period until the next countywide general election, at which time the position shall be filled for the principal term. If a vacancy occurs in the third or fourth year of a four-year term, the interim succession shall extend until the next countywide general election, at which time the position shall be filled for the next four-year term. The interim succession of the President of Council to the office of County Executive as provided herein shall create a vacancy in the membership of County Council and in the position of President of Council. Upon the occurrence of a vacancy in the position of President of Council, the Vice-President of Council shall assume the position of President, and the Council shall elect a member to serve as Vice-President. The Council seat vacated by the former Council president shall be filled in the manner described.</p> <p>Section 3.07 Vacancies; Length of Appointment:</p> <p>If a vacancy occurs in the first or second year of a four-year term, the interim appointment shall be for a period until the next countywide general election, at which time the position shall be filled for the remainder of the unexpired term. If a vacancy occurs in the third or fourth year of a four-year term, the interim appointment shall extend until the next countywide general election, at which time the position shall be filled for the next four-year term.</p>



<p><b>SUMMARY AND RATIONALE FOR CHANGE</b></p>
<p>Article 2, Section 4 and Article 3, Section 7 deal with the filling of vacancies in the office of County Executive and County Council, respectively. Both articles provide for interim appointments, a process that does not change with this amendment. Article 2, Section 4 provides that when there is a vacancy for County Executive, the President of Council becomes County Executive on an interim basis. Article 3, Section 5 provides that when there is a vacancy for member of County Council, the precinct committee members of the same political party and district as the outgoing member make the interim appoint. Article 3, Section 6 provides that the County Council makes than interim appointment when the outgoing Council member does not belong to a political party that has precinct committee members.</p> <p>Article 2, Section 4 and Article 3, Section 7 then go on to provide for an election to fill the vacancy following the interim appointment for County Executive and County Council, respectively. These sections provide that if the vacancy occurs in the first or second year of the term, the interim appointment shall extend until the next countywide general election, at which time the position shall be filled for the remainder of the unexpired term. This language creates two problems. First, if the vacancy occurs before the mid-term election, but after a point which is a reasonable time before the filing deadline, it becomes unclear how the election would be held. Second, the current language provides for persons elected to fill vacancies to take office immediately upon election. This might be possible for County Council members, but certainly would not be practical for the County Executive.</p> <p>The proposed amendment corrects the first problem by specifying that the vacancy must occur at least 30 days before the filing deadline for the primary for the mid-term election for there to be an election for the unexpired term. Otherwise, the interim appointment is for the remainder of the term. The proposed amendment corrects the section problem by specifying that the interim appointment extends until the end of the calendar year following the mid-term election, after which the unexpired term begins. Finally, the amendment makes a non-substantive change in the last line of Article 4, Section 2, stating the charter sections to be used in filling a council vacancy caused when the President of Council becomes County Executive.</p>
<p><b>PROPOSED LANGUAGE (WITH DELETIONS CROSSED OUT AND ADDITIONS BOLDED)</b></p>
<p>2.04 Vacancy</p> <p>In the event the office of the County Executive becomes vacant by reason of death, resignation, removal from office, failure to remain an elector of the County or for any other reason, the President of Council shall succeed to the office of County Executive on an interim basis. If a vacancy occurs <del>in the first or second year of a four-year term, the interim succession shall be for a period until the next countywide general election, at which time the position shall be filled for the principal term. If a vacancy occurs in the third or fourth year of a four-year term, the interim succession shall extend until the next countywide general election, at which time the position shall be filled for the next four-year term.</del> <b><u>at least thirty (30) days prior to the filing deadline for the primary for the countywide general election held during the second year of a four-year term, the interim appointment shall be for a period until the end of the calendar year following that same countywide general election, at which election the position shall be</u></b></p>

**filled for the remainder of the unexpired term. Otherwise, the interim appointment shall extend for the remainder of the four-year term.** The interim succession of the President of Council to the office of County Executive as provided herein shall create a vacancy in the membership of County Council and in the position of President of Council. Upon the occurrence of a vacancy in the position of President of Council, the Vice-President of Council shall assume the position of President, and the Council shall elect a member to serve as Vice-President. The Council seat vacated by the former Council president **President of Council** shall be filled in the manner described herein **as provided for in Article 3, Section 5 or 6, as applicable.**

### 3.07 Vacancies; Length of Appointment

If a vacancy occurs in the first or second year of a four-year term, the interim appointment shall ~~be for a period until the next countywide general election, at which time the position shall be filled for the remainder of the unexpired term.~~ If a vacancy occurs in the third or fourth year of a four-year term, the interim appointment shall extend until the next countywide general election, at which time the position shall be filled for the next four-year term. **at least thirty (30) days prior to the filing deadline for the primary for the countywide general election held during the second year of a four-year term, the interim appointment shall be for a period until the end of the calendar year following that same countywide general election, at which election the position shall be filled for the remainder of the unexpired term. Otherwise, the interim appointment shall extend for the remainder of the four-year term.**



## CHARTER REVIEW FORM

<b>Sponsor's Name:</b> Dale Miller
<b>Date Submitted:</b> February 22, 2012
<b>Sponsor's Phone:</b> (216) 698-2011
<b>Sponsor's Email:</b> <a href="mailto:damiller@cuyahogacounty.us">damiller@cuyahogacounty.us</a>
<b>GENERAL TOPIC (e.g. Council Redistricting)</b>
Actions of Council not requiring presentation to the Executive for approval or disapproval
<b>CHARTER SECTION(S) AFFECTED (e.g. Sections 3.04 (2) &amp; (3) – Council Districts)</b>
Section 3.10 (5) Adoption by Council
<b>CURRENT LANGUAGE OF SECTIONS AFFECTED</b>
(5) <b>Action by Council.</b> No action of the Council shall be valid or binding unless adopted by an affirmative vote of at least a majority of the members of the Council. Each ordinance shall be signed by the presiding officer and promptly presented by the Clerk of Council to the County Executive for approval or disapproval.
<b>SUMMARY AND RATIONALE FOR CHANGE</b>
<p>The Charter states in Article 3, Section 9 that "all powers of the Council shall be exercised by ordinance or resolution" and states in Article 3, Section 10, Subsection 5 that "each ordinance or resolution shall be...promptly presented by the Clerk or Council to the County Executive for approval or disapproval." Taken together, these sections require the Executive to review all Council actions. However, there are some actions for which Executive review is not necessary nor should it be required. This amendment creates exceptions for an appropriate list of actions.</p> <p>The first two items (a. &amp; b.) relate to the Council's right to set its own rules and order of business, per Article 3, Section 10, Subsection 2. The next three items (c.-e.) enable Council on its own to determine its office organization, hire staff, and enter into contracts for its own office operations, consistent with the County's operating budget. The next two (f. &amp; g.) create exceptions for the confirmation of Executive appointments and the making of appointments granted specifically to the Council. The next two (h. &amp; i.) relate to Council's investigatory powers as provided in Article 3, Section 9, Subsection 10 and Article 3, Section 12. Since such investigative actions would probably relate to activities of the Executive branch, it would not make sense to require Executive approval to exercise them. The final item (j.) creates an exception for submission of proposed Charter amendments to the voters of Cuyahoga County, since Article 10, Section 4 of the Ohio Constitution clearly states that only a 2/3 of the Legislative Authority is required for such action.</p> <p>Finally, the word "adopted" is added in the second line for clarification.</p>

**PROPOSED LANGUAGE (WITH DELETIONS CROSSED OUT AND ADDITIONS BOLDED)**

(5) **Adoption by Council.** No action of the Council shall be valid or binding unless adopted by an affirmative vote of at least a majority of the members of Council. Each **adopted** ordinance or resolution shall be signed by the presiding officer and promptly presented by the Clerk of Council to the County Executive for approval or disapproval. **Notwithstanding the foregoing, the following actions shall be finally approved or disapproved upon action by Council, without presentation to the County Executive for approval or disapproval:**

**a. Adoption or amendment of the rules and order of business of the Council;**

**b. Adoption of the schedule of Council meetings, creation of committees, and other actions relating to the internal operations of the Council;**

**c. Adopting an organizational structure for the Council office, consistent with the County's operating budget;**

**d. Hiring and setting compensation for employees of the Council office, consistent with the County's operating budget;**

**e. Approval of contracts or amendments to contracts not to exceed \$100,000 for services for the Council office, consistent with the County's operating budget;**

**f. Confirmation of appointments recommended by the County Executive;**

**g. Making of appointments designated in this Charter to be made by Council;**

**h. Adoption of a resolution to require the attendance of any County employee or officer at Council meetings;**

**i. Adoption of a resolution to compel the attendance of witnesses, issue subpoenas, or refer matters to the Prosecuting Attorney in accordance with Article 3, Section 12;**

**j. Submission of proposed amendments to this Charter to the electors of Cuyahoga County.**



## CHARTER REVIEW FORM

<b>Sponsor's Name:</b> Law Director on behalf of County Executive/Fiscal Officer/Treasurer/OPD/CIO
<b>Date Submitted:</b> April 2, 2012
<b>Sponsor's Phone:</b> 698-6549
<b>Sponsor's Email:</b> mmakhlouf@cuyahogacounty.us
<b>GENERAL TOPIC (e.g. Council Redistricting)</b>
Clarification of the roles of the Fiscal Officer, Treasurer, and Chief Information Officer
<b>CHARTER SECTION(S) AFFECTED (e.g. Sections 3.04 (2) &amp; (3) – Council Districts)</b>
5.02, 5.07 and 10.01
<b>CURRENT LANGUAGE OF SECTIONS AFFECTED</b>
See redlines below
<b>SUMMARY AND RATIONALE FOR CHANGE</b>
The intent is to fix the operational issues encountered. The proposed changes consolidate the Office of Procurement and Diversity and Treasurer within the Department of Finance and Operations, which is the normal municipal model. The proposed change clarifies the role of the CIO in reviewing IT purchases.
<b>PROPOSED LANGUAGE (WITH DELETIONS CROSSED OUT AND ADDITIONS BOLDED)</b>
5.02(1): The Fiscal Officer shall <b>lead the Department of Finance and Operations and shall</b> exercise all powers and perform all duties now or hereafter vested in or imposed by general law upon county auditors and county recorders, and the powers and duties of clerks of court of common pleas other than those powers and duties related to serving the operation of the courts, and such other powers and duties not inconsistent herewith as provided herein or by ordinance. The Fiscal Officer shall prepare and maintain the tax maps for the County. <b>Effective January 1, 2013, the County archives and the office of County Treasurer are consolidated within the Department of Finance and Operations, which shall exercise all powers and perform all duties relating to archives and all powers and duties now or hereafter vested in or imposed by general law upon county treasurers.</b>
<b>Delete Section 5.07.</b>
10.01: <b>Division of Procurement and Diversity</b> Department of Purchasing

~~There shall be a Department of Purchasing.~~ **The Department of Finance and Operations shall contain a Division of Procurement and Diversity** under the direction of the County Executive, which shall be responsible for . . . **All purchases relating to information technology shall be submitted to the County's Chief Information Officer for review and approval prior to submission to the appropriate authority determined by county ordinance for the approval of contracts.**



## CHARTER REVIEW FORM

<b>Sponsor's Name:</b> Dale Miller
<b>Date Submitted:</b> March 27, 2012
<b>Sponsor's Phone:</b> (216) 698-2011
<b>Sponsor's Email:</b> <a href="mailto:damiller@cuyahogacounty.us">damiller@cuyahogacounty.us</a>
<b>GENERAL TOPIC (e.g. Council Redistricting)</b>
Composition, appointment, duties, and administration of the Board of Revision and Board of Revision Hearing Boards
<b>CHARTER SECTION(S) AFFECTED (e.g. Sections 3.04 (2) &amp; (3) – Council Districts)</b>
SECTION 6.02 BOARD OF REVISION
<b>CURRENT LANGUAGE OF SECTIONS AFFECTED</b>
<p><b>§ 6.02 Board of Revision</b></p> <p>There shall be one or more Boards of Revision, each consisting of three electors of the County. Two members of each board, who shall not be of the same political party, shall be appointed by the Council, and one member shall be appointed by the County Executive, each for a term of three years. Each Board of Revision shall exercise all duties of a county board of revision as prescribed by general law. The Council may provide for compensation for members of a Board of Revision.</p>
<b>SUMMARY AND RATIONALE FOR CHANGE</b>
<p>Serious issues have arisen regarding the composition, organization, and operation of the Board of Revision, and this amendment is designed to be a comprehensive update. The first thing that this amendment does, which the current language fails to do, is to distinguish between the statutory Board of Revision and the Hearing Boards. The Ohio Revised Code comprises the Board of Revision as the County Auditor, Treasurer, and one County Commissioner. Rather than making a literal translation of officers, this amendment tracks the ORC's intention of some separation of powers on the Board, and comprises it as the Executive, Fiscal Officer, and one member of Council, appointed by the Council President. The Council appointee serves a two</p>

year term, which expires on the off years from Council terms. The Council President is also given power to appoint for the unexpired term in the event of a vacancy. The amendment also provides that members of the statutory Board of Revision receive no additional compensation in addition to their regular compensation.

Like current language, the Board of Revision is given all the duties of Boards of Revision under state law, but is amended to read more broadly "powers and duties," and an exception is added to say that if the Charter provides anything different, the Charter provision would apply.

The second paragraph of the amendment clarifies authority for the administrative procedures of the Board of Revision, which is lacking in current language. The statutory Board of Revision is tasked to develop its own rules and procedures, consistent with the Charter and general law. The statutory Board is also directed to appoint an administrator and other assistants as needed for its operations, consistent with the County's operating budget. The Administrator is given responsibility for the office operations of the Board of Revision and the Hearing Boards, including setting the hearing schedules. The Board of Revision, with the assistance of the Fiscal Officer and the administrator of the Human Resources Commission (HRC) is directed to set compensation for the administrative staff, who are designated as unclassified employees. The administrator of the HRC, rather than the HRC itself, is designated, so that assistance may be provided without requiring formal HRC Board action.

The Board of Revision is then given the power to create and appoint members to one or more Hearing Boards. The Hearing Boards are given the same powers to hear complaints on property valuation as are given to board of revision hearing boards under general law, which means that a decision by the Hearing Board is the decision of the Board of Revision. Appeals would be to the courts and not to the Board of Revision.

The Board of Revision is directed to determine qualifications for Hearing Board members to insure that they are skilled in appraisal, real estate, and/or law, but the exact specifications are left to the Board of Revision. The political party limitation on Hearing Board composition found in current language is retained. The Board of Revision appoints the Hearing Board members, subject to confirmation by Council, with Council action required within 30 days. The Board of Revision is also given power, not expressed in current language, to make appointments for the unexpired term to fill vacancies, also subject to confirmation.

As in current language, the term for the Hearing Board members is for three years, but two exceptions are added. First, the Board of Revision is empowered to create temporary Hearing Boards with a term of up to one year to clear backlogs or anticipate heavy workloads. Second, the Board of Revision is directed to adjust Hearing Board terms so that the ending date of the various Hearing Boards is staggered. This should enable better planning and workload



management.

The Council, with the assistance of the Board of Revision and the administrator of the HRC is tasked to develop a compensation plan for Hearing Board members, but the Board of Revision itself will set the compensation for individual Hearing Board hires, within that plan. The Hearing Board members are designated as full time, unclassified employees of the Board of Revision. Finally, this amendment provides for removal of Hearing Board members. Such removal must be for cause, requires approval by the Board of Revision, and confirmation by Council.

**PROPOSED LANGUAGE (WITH DELETIONS CROSSED OUT AND ADDITIONS BOLDED)**

SECTION 6.02 BOARD OF REVISION

There shall be ~~one or more~~ **a Board** Boards of Revision, each consisting of three electors of the County. ~~Two members of each board, who shall not be of the same political party, shall be appointed by the Council, and one member shall be appointed by the County Executive, each for a term of three years.~~ **which shall consist of the County Executive, the Fiscal Officer, and one County Councilperson, who shall be appointed by the Council President to a two-year term, ending at the end of each odd-numbered calendar year, or for the remainder of a two year term if a vacancy occurs. The** Each Board of Revision shall exercise all **powers and** duties of a county board of revision as prescribed by general law, **except as otherwise provided in this Charter.** ~~The Council may provide for compensation for members of a Board of Revision.~~ **There shall be no additional compensation for members of the Board of Revision in addition to their regular compensation by the County.**

**The Board of Revision shall determine its own rules and procedures, consistent with this charter and general law and shall appoint an Administrator and such other assistants as it deems necessary for the efficient performance of its duties, consistent with the County's operating budget. The Administrator shall be responsible for the office operations of the Board of Revision and the Hearing Boards and shall set the hearing schedules for hearing of complaints regarding the valuation of real property. The Board of Revision, with the assistance of the Fiscal Officer and the administrator of the Human Resources Commission, shall determine compensation for its administrative staff, who shall be unclassified employees.**

**The Board of Revision may create one or more Hearing Boards, which shall have the same**

powers to hear and make decisions on complaints as to the value of real property that are given to board of revision hearing boards by general law. The Board of Revision shall establish qualifications for members of the Hearing Boards to insure that such members have experience and proven ability in the areas of appraisal, real estate and/or law. Each Hearing Board shall consist of three electors of the County, of which not more than two may be of the same political party, appointed by the Board of Revision, subject to confirmation by the Council. If a position on any Hearing Board becomes vacant, the Board of Revision shall appoint a new member for the remainder of the term in the same way that the original members were appointed. If the Council fails to act on the question of any such appointment within thirty days of the date that the Board of Revision submits such appointment to Council for its consideration, that appointment shall be deemed confirmed without further action by the Council.

Each Hearing Board member shall be appointed to a term of three years, except that in consultation with the Administrator, the Board of Revision may create one or more temporary Hearing Boards with a term of up to one year in order to clear backlogs or in anticipation of heavy workloads. The above provisions on length of term notwithstanding, the Board of Revision shall, if it appoints more than one Hearing Board, adjust the term of future appointments so that the ending dates of the various Hearing Boards are staggered, but the terms of all the members of any one Hearing Board end at the same time.

The Council, in consultation with the Board of Revision and the administrator of the Human Resources Commission, shall determine a compensation plan for members of the Hearing Boards, who shall be considered full-time unclassified employees of the Board of Revision. The Board of Revision may remove a member of a Hearing Board for cause, subject to confirmation by the Council, using the same confirmation process as for appointment.



## CHARTER REVIEW FORM

<b>Sponsor's Name:</b> Councilwoman Yvonne Conwell
<b>Date Submitted:</b> February 22, 2012
<b>Sponsor's Phone:</b> 216-698-2017
<b>Sponsor's Email:</b> yconwell@cuyahogacounty.us
<b>GENERAL TOPIC (e.g. Council Redistricting)</b>
Human Resource Commission Appointments
<b>CHARTER SECTION(S) AFFECTED (e.g. Sections 3.04 (2) &amp; (3) – Council Districts)</b>
9.01 Human Resource Commission
<b>CURRENT LANGUAGE OF SECTIONS AFFECTED</b>
<p>The County Executive, subject to confirmation by the Council, shall appoint the members of a Human Resource Commission, consisting of three electors of the County having experience in personnel matters or personnel administration and who are supportive of equal opportunity considerations. No more than two of the three members of the Human Resource Commission shall be members of the same political party. The Human Resource 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. The County's human resources policies and systems, including ethics policies for County employees, shall be established by ordinance and shall be administered in such manner as will eliminate unnecessary expense and duplication of effort, while ensuring that persons will be employed in the public service without discrimination on the basis of race, color, religion, sex, national origin, sexual orientation, disability, age or ancestry.</p> <p>The term of office of each member of the Human Resource Commission shall be six years. The terms shall be staggered so that no term expires within less than two years of the expiration of any other term. The County Executive shall fill a vacancy occurring for an unexpired term in the same manner as a regular appointment.</p> <p>Of the terms of office for the initial appointees, one shall be appointed for a term of six years, one shall be appointed for a term of four years and one shall be appointed for a term of two years. The County Executive shall nominate the initial appointees to the Human Resource Commission not later than March 1, 2011 and thereafter within thirty days after the occurrence of a vacancy.</p> <p>No member of the Human Resource Commission shall hold any other public office or public employment with the County. The Council shall establish a per diem compensation for the members of the Human Resource Commission.</p>

The County Executive may remove any member of the Human Resource Commission for inefficiency, neglect of duty or malfeasance in office after notice and public hearing before the Council, provided that eight members of the Council concur.

#### **SUMMARY AND RATIONALE FOR CHANGE**

The Human Resource Commission (HRC) serves as the appeal board for the Executive's decisions regarding employee discipline, layoffs and other personnel related matters. Even though HRC members are appointed to terms and act as an independent Commission, because they are appointed by and can be removed upon an initial action by the Executive, this generates a potential conflict. To avoid this conflict, the Council alone should appoint and be able to remove HRC members.

#### **PROPOSED LANGUAGE (WITH DELETIONS CROSSED OUT AND ADDITIONS BOLDED)**

The ~~County Executive, subject to confirmation by the Council,~~ **Council** shall appoint the members of a Human Resource Commission, consisting of three electors of the County having experience in personnel matters or personnel administration and who are supportive of equal opportunity considerations. No more than two of the three members of the Human Resource Commission shall be members of the same political party. The Human Resource 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. The County's human resources policies and systems, including ethics policies for County employees, shall be established by ordinance and shall be administered in such manner as will eliminate unnecessary expense and duplication of effort, while ensuring that persons will be employed in the public service without discrimination on the basis of race, color, religion, sex, national origin, sexual orientation, disability, age or ancestry.

The term of office of each member of the Human Resource Commission shall be six years. The terms shall be staggered so that no term expires within less than two years of the expiration of any other term. The ~~County Executive~~ **Council** shall fill a vacancy occurring for an unexpired term in the same manner as a regular appointment.

Of the terms of office for the initial appointees, one shall be appointed for a term of six years, one shall be appointed for a term of four years and one shall be appointed for a term of two years. The County Executive shall nominate the initial appointees to the Human Resource Commission not later than March 1, 2011 and thereafter within thirty days after the occurrence of a vacancy.

No member of the Human Resource Commission shall hold any other public office or public employment with the County. The Council shall establish a per diem compensation for the members of the Human Resource Commission.

The ~~County Executive~~ **Council** may remove any member of the Human Resource Commission for inefficiency, neglect of duty or malfeasance in office after notice and public hearing before the Council, provided that eight members of the Council concur.



## CHARTER REVIEW FORM

<b>Sponsor's Name:</b> Human Resource Commission
<b>Date Submitted:</b> March 29, 2012
<b>Sponsor's Phone:</b> 216-443-5675
<b>Sponsor's Email:</b> rkopcienski@gmail.com
<b>GENERAL TOPIC (e.g. Council Redistricting)</b>
The Human Resource Commission requests that language in the Charter which speaks to the Commission's authority and realm of responsibilities be clarified.
<b>CHARTER SECTION(S) AFFECTED (e.g. Sections 3.04 (2) &amp; (3) – Council Districts)</b>
Sections 9.01, 9.03 and 9.04
<b>CURRENT LANGUAGE OF SECTIONS AFFECTED</b>
In 9.01: "The HRC 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 <i>in the public service of the County.</i> " In 9.03: "The HRC shall administer a clear, <i>countywide</i> classification and salary administration system.", and "The classification system shall, to the extent permitted by the Ohio Constitution, include the employees of <i>all offices, officers, agencies, departments, boards, commissions or other public bodies, other than separate political subdivisions, that are supported in whole or in part from taxes levied, or other financial assistance provided, by the County.</i> " In 9.04: "No appointing authority shall appoint a person to fill a vacancy in the classified service who does not meet the qualifications for that position approved by the HRC."
<b>SUMMARY AND RATIONALE FOR CHANGE</b>
The Commission has considered various possible interpretations of these terms and phrases and requests clarification as to the intent of the scope of authority and responsibilities of the Commission.
<b>PROPOSED LANGUAGE (WITH DELETIONS CROSSED OUT AND ADDITIONS BOLDED)</b>

The Commission is not requesting specific language to be adopted, but only requests that the language in the Charter is clarified as to which entities are included in the Commission's scope of responsibility and authority.



## CHARTER REVIEW FORM

<b>Sponsor's Name:</b> Councilpersons Pernel Jones, Jr. and Dale Miller
<b>Date Submitted:</b> 2/15/12
<b>Sponsor's Phone:</b> Jones: (216) 698-2019 Miller: (216) 698-2011
<b>Sponsor's Email:</b> <a href="mailto:pjones@cuyahogacounty.us">pjones@cuyahogacounty.us</a> <a href="mailto:damiller@cuyahogacounty.us">damiller@cuyahogacounty.us</a>
<b>GENERAL TOPIC (e.g. Council Redistricting)</b>
Purchasing
<b>CHARTER SECTION(S) AFFECTED (e.g. Sections 3.04 (2) &amp; (3) – Council Districts)</b>
Amending section 10.01 & adding section 10.02
<b>CURRENT LANGUAGE OF SECTIONS AFFECTED</b>
SECTION 10.01 DEPARTMENT OF PURCHASING. There shall be a Department of Purchasing under the direction of the County Executive, which shall be responsible, except as otherwise provided by this Charter or by ordinance, and to the extent permitted by the Ohio Constitution, for the purchase of goods and services required by all offices, officers, agencies, departments, boards, commissions or other public bodies, other than separate political subdivisions, that are supported in whole or in part from taxes levied, or other financial assistance provided by the County.
<b>SUMMARY AND RATIONALE FOR CHANGE</b>
Following current practice, this amendment uses the name "Procurement and Diversity," rather than "Purchasing" to describe the county department that handles contracting and purchasing. The words "equitable, effective, and efficient" are added to describe the blended goals of the county's contracting and purchasing operation.  The Charter currently provides for the department, but does not provide for a Director, unlike the other Charter-mandated departments. This amendment adds new Article 10, Section 2 to provide for appointment, qualifications, and duties of the Director of Purchasing and Diversity and provides that the Director may report either directly to the Executive or to the Fiscal Officer, as determined by ordinance.
<b>PROPOSED LANGUAGE (WITH DELETIONS CROSSED OUT AND ADDITIONS BOLDED)</b>

**Section 10.01 Department of Purchasing Procurement and Diversity**

There shall be a Department of Purchasing **Procurement and Diversity** under the direction of the County Executive, which shall be responsible, except as otherwise provided by this Charter or by Ordinance, and to the extent permitted by the Ohio Constitution, for the **equitable, effective, and efficient** purchase of goods and services required by all offices, officers, agencies, departments, boards, commissions, or other public bodies, other than separate political subdivisions, that are supported in whole or in part from taxes levied, or other financial assistance by the County.

**Section 10.02 Director of Procurement and Diversity; Appointment, Duties, and Qualifications**

**The Director of Procurement and Diversity shall be appointed by the County Executive, subject to confirmation by the Council, shall be the head of the Department of Procurement and Diversity, and shall serve at the pleasure of the County Executive. The person so appointed shall have at least five (5) years of experience in the purchase of goods and services and contract administration in either the public or the private sector and at least two (2) years of upper-level management experience, preferably with responsibility for the purchase of goods and services and contract administration, in either the public or private sector. The Director of Procurement and Diversity shall report either to the County Executive directly or to the Fiscal Officer, as the Council shall provide by Ordinance.**





## CHARTER REVIEW FORM

<b>Sponsor's Name:</b> C. Ellen Connally
<b>Date Submitted:</b> 03/30/2012
<b>Sponsor's Phone:</b> 216-698-2023
<b>Sponsor's Email:</b> ceconnally@cuyahogacounty.us
<b>GENERAL TOPIC (e.g. Council Redistricting)</b>
Internal Auditing
<b>CHARTER SECTION(S) AFFECTED (e.g. Sections 3.04 (2) &amp; (3) – Council Districts)</b>
Sections 11.01 & 11.03
<b>CURRENT LANGUAGE OF SECTIONS AFFECTED</b>
<p><b>SECTION 11.01 COUNTY AUDIT COMMITTEE.</b>  The County Audit Committee shall provide internal auditing to assist the County Executive, Fiscal Officer, the Council, and other county officers and departments, institutions, boards, commissions, authorities, organizations, and agencies of the County government funded in whole or in part by County funds in providing taxpayers of the County with efficient and effective services. The County Audit Committee shall consist of the Fiscal Officer, who shall serve as chair of the committee, the County Executive, the President of Council and two residents of the County appointed by the County Executive and confirmed by Council. The County Audit Committee shall meet at least quarterly and shall oversee internal and external audits.</p> <p><b>SECTION 11.03 DIRECTOR OF INTERNAL AUDITING: APPOINTMENT, DUTIES AND QUALIFICATIONS.</b>  The Director of Internal Auditing shall be the head of the Department of Internal Auditing. The Director of Internal Auditing shall be a Certified Internal Auditor or member of the Institute of Internal Auditors or a similar successor organization and shall be subject to, and follow at all times, the Code of Ethics for Certified Internal Auditors or a similarly recognized code of ethics established by the Institute of Internal Auditors or a similar successor organization. The County Audit Committee shall recommend to the Council one or more candidates for appointment as the Director of Internal Auditing. The Council shall make the appointment, which shall be for a term of four years, or ending with the end of the term of office of the then County Executive, whichever comes first. The Director of Internal Auditing may be dismissed by the Council for cause, following a hearing at which the Director of Internal Auditing shall have had the opportunity to be represented by counsel and to present his or her case for retention in office. The Director of Internal Auditing shall interview and make recommendations for the hiring of staff for the Department of Internal Auditing to the County Audit Committee, which shall approve or reject such recommendations.</p>

**SUMMARY AND RATIONALE FOR CHANGE****Summary:**

The change to Section 11.01 staggers the terms of the appointed members of the County Audit Committee to end one year following the end of the term of the current County Executive and creates a procedure for removal and replacement of an appointed member of the County Audit Committee prior to the end of term. The change to Section 11.03 staggers the term of the Director of Internal Auditing to end two years following the end of the term of the current County Executive, and creates a procedure for appointing an Interim Director of Internal Auditing should there be a vacancy in the position prior to the end of term.

**Rationale:**

The purpose of this amendment is to reduce the probability of an interruption in the business of the County Audit Committee and the Department of Internal Auditing. The one-year gap between the end of the County Executive term and the appointed member term allows for a period of time during which a newly elected County Executive may find and vet candidates to appoint to the Committee. The two-year gap between the end of the County Executive term and the Director of Internal Auditing term allows for a year-long period of time during which a newly structured Audit Committee can find and vet candidates for the Director position. The ex officio members of the Committee will transfer automatically, negating any need for terms or staggering of their terms.

**PROPOSED LANGUAGE (WITH DELETIONS CROSSED OUT AND ADDITIONS BOLDED)****SECTION 11.01 COUNTY AUDIT COMMITTEE.**

The County Audit Committee shall provide internal auditing to assist the County Executive, Fiscal Officer, the Council, and other county officers and departments, institutions, boards, commissions, authorities, organizations, and agencies of the County government funded in whole or in part by County funds in providing taxpayers of the County with efficient and effective services. The County Audit Committee shall consist of the Fiscal Officer, who shall serve as chair of the committee, the County Executive, the President of Council and two residents of the County appointed by the County Executive and confirmed by **Council for a term ending one year following the end of the term of office of the then County Executive. Upon a vacancy of an appointed position on the County Audit Committee, the County Executive shall appoint a replacement to full the incomplete term, subject to confirmation by Council. An appointed member of the County Audit Committee may be removed at the request of a majority of the County Audit Committee, subject to confirmation by Council.** The County Audit Committee shall meet at least quarterly and shall oversee internal and external audits.

**SECTION 11.03 DIRECTOR OF INTERNAL AUDITING: APPOINTMENT, DUTIES AND QUALIFICATIONS.**

The Director of Internal Auditing shall be the head of the Department of Internal Auditing. The Director of Internal Auditing shall be a Certified Internal Auditor or member of the Institute of Internal Auditors or a similar successor organization and shall be subject to, and follow at all times, the Code of Ethics for Certified Internal Auditors or a similarly recognized code of ethics established by the Institute of Internal Auditors or a similar successor organization. The County Audit Committee shall recommend to the Council one or more candidates for appointment as the Director of Internal Auditing. The Council shall make the appointment, which shall be ~~for a term of four years, or ending with the end of the term of office of the then County Executive, whichever comes first~~ **end two years following the end of the term of office of the then County Executive.** The Director of Internal Auditing may be dismissed by the Council for cause, following a hearing at which the Director of Internal Auditing shall have had the opportunity to be represented by counsel and to present his or her case for retention in office. **In the case of a vacancy prior to the end of the appointed term of the Director of Internal Auditing, the County Audit Committee shall recommend to the Council one or more candidates for appointment as Director of Internal Auditing to fill the incomplete term.** The Director of Internal Auditing shall interview and make recommendations for the hiring of staff for the Department of Internal Auditing to the County Audit Committee, which shall approve or reject such recommendations.



## CHARTER REVIEW FORM

<b>Sponsor's Name:</b> Law Director on behalf of County Executive/HR Director
<b>Date Submitted:</b> April 2, 2012
<b>Sponsor's Phone:</b> 698-6549
<b>Sponsor's Email:</b> mmakhlouf@cuyahogacounty.us
<b>GENERAL TOPIC (e.g. Council Redistricting)</b>
Establishing the Independent Agency of Inspector General
<b>CHARTER SECTION(S) AFFECTED (e.g. Sections 3.04 (2) &amp; (3) – Council Districts)</b>
<b>CURRENT LANGUAGE OF SECTIONS AFFECTED</b>
<b>SUMMARY AND RATIONALE FOR CHANGE</b>
Creating the independent Agency of Inspector General
<b>PROPOSED LANGUAGE (WITH DELETIONS CROSSED OUT AND ADDITIONS BOLDED)</b>
Add the following new section to the Charter:  <b>SECTION 14.01 AGENCY OF INSPECTOR GENERAL</b> The County's Agency of Inspector General shall serve as the County's chief ethics officer and shall have all powers and duties to investigate fraud, corruption, waste, abuse, misfeasance, malfeasance, and nonfeasance, including the power and duties to investigate all county contracts, without interruption from any other public official or employee. The Inspector General shall have the independent power to issue subpoenas and to conduct sworn examinations and depositions as necessary for the Agency to conduct its functions.  <b>14.01(1) Initial Term, Appointment, Term, and Removal of the Inspector General</b> (a) The initial term of the Inspector General shall continue until June 30, 2016, and the incumbent Inspector General shall have the right to continue to serve as the County's first Inspector General

without any further action needed until June 30, 2016. Effective July 1, 2016, the Inspector General shall be appointed by the County Executive, subject to confirmation by County Council, for five-year terms.

(b) In the case of a vacancy in the position of Inspector General, the Executive shall appoint a successor Inspector General, subject to confirmation of Council, to fill the remaining term of the Inspector General. The Deputy Inspector General shall serve as the Acting Inspector General during any vacancy.

(c) The County Executive may remove the Inspector General from office for inefficiency, neglect of duty, or malfeasance in office after notice and public hearing before the Council, provided that eight members of the Council concur. The County Council may remove the Inspector General from office after notice and a public hearing before the Council, provided that the eleven members of the Council concur.

**14.01(2) Contracting with other Entities**

The County shall have the right to contract on behalf of the Agency of Inspector General to have the Agency of Inspector General provide similar services to any other entities, county hospitals, agencies, authorities, municipalities, districts, or political subdivisions.

**14.01(3) Confidential Investigatory Files.**

Without regard to how such documents are received by the Agency, all documents prepared or received by the Agency of the Inspector General, including, but not limited to, all complaints, tips, hotline messages, and any other filings and submittals received by the Agency shall be considered part of the Inspector General confidential investigatory files. Such records shall be exempt from disclosure until the matter is concluded and the investigation is closed by the Inspector General and any other investigatory agencies with jurisdiction over the matter.

**14.01(4) Agency of Inspector General's Budget, Facilities, Furniture, Equipment, and Software.**

(a) The County Council shall appropriate funds for the Agency of Inspector General sufficient for the Agency to exercise its powers and duties as established herein. The budget of the Agency of Inspector General shall be based on a fixed formula established by county ordinance in order to ensure that the Agency can function without political interference. If the County Council fails to appropriate the necessary funds for the Agency to carry out its functions as provided herein, the Agency shall have the right to institute legal action in court to compel the County to appropriate the necessary funds for its operations.

(b) The County shall provide the Agency of Inspector General with appropriately located office space and sufficient physical facilities, including office furniture, equipment, and software commensurate with other County departments of similar size and needs.

**14.01(5) Limitations on the Agency of Inspector General**

(a) The Inspector General shall not interfere with any ongoing criminal, administrative, civil, or such other investigation or prosecution in the performance of his/her duties.

(b) The Inspector General shall manage the Agency and conduct all investigations in a manner that protects the constitutional and civil rights of any person who is the subject of an investigation as well as the constitutional and civil rights of any potential witnesses.