



## MINUTES

CUYAHOGA COUNTY COMMITTEE OF THE WHOLE MEETING

TUESDAY, JULY 23, 2019

CUYAHOGA COUNTY ADMINISTRATIVE HEADQUARTERS

C. ELLEN CONNALLY COUNCIL CHAMBERS – 4<sup>TH</sup> FLOOR

2:00 PM

### 1. CALL TO ORDER

**Councilmember Gallagher, Chair of the Public Safety & Justice Affairs Committee, called the meeting to order at 2:04 p.m.**

### 2. ROLL CALL

**Chair Gallagher asked Clerk Schmotzer to call the roll. Councilmembers Miller, Tuma, Gallagher, Schron, Conwell, Jones, Brown, Simon, Baker and Brady were in attendance and a quorum was determined. Councilmember Stephens was in attendance shortly after the roll-call was taken.**

### 3. PUBLIC COMMENT

**Ms. Marcia Goldberg addressed Council regarding Resolution Nos. R2019-0134 and R2019-0144, Resolutions providing for the submission to the electors of the County of Cuyahoga various amendments to the County Charter regarding the County Sheriff.**

### 4. ITEMS REFERRED TO COMMITTEE:

**[Clerk's Note: Chair Gallagher asked Clerk Schmotzer to read Resolution Nos. R2019-0134 and R2019-0144 into the record. Chair Gallagher then gave opening remarks before discussion ensued.]**

- a) R2019-0134: A Resolution providing for the submission to the electors of the County of Cuyahoga an amendment to repeal Section 5.08 and enact Article XVI of the County Charter providing for the election of the Sheriff, including the powers, duties, qualifications, and compensation of the office; and declaring the necessity that this Resolution become immediately effective.

**A motion was made by Ms. Stephens and seconded by Mr. Gallagher to refer Resolution No. R2019-0134 to the full Council agenda with a recommendation for passage under second**

reading suspension of rules. The motion failed by a majority roll-call vote of 3 yeas and 8 nays with Councilmembers Gallagher, Stephens and Brady voting in the affirmative and Councilmembers Miller, Tuma, Schron, Conwell, Jones, Brown, Simon and Baker casting dissenting votes.

- b) R2019-0144: A Resolution providing for the submission to the electors of the County of Cuyahoga an amendment to repeal Section 5.08 and enact Article XVI of the County Charter to provide for additional requirements of the Sheriff, including the powers, duties, qualifications, term, and removal process of the office; and declaring the necessity that this Resolution become immediately effective.

**Ms. Conwell introduced a proposed amendment to Resolution No. R2019-0144. Discussion ensued.**

**A motion was then made by Ms. Conwell and seconded by Mr. Schron to amend Resolution No. R2019-0144 by deleting “for a term of four years” and inserting “for a term of eight years” in Sections 16.01(4) and 16.01(6). The motion failed by a majority roll-call vote of 1 yeas and 10 nays, with Councilmember Conwell voting in the affirmative and Councilmembers Miller, Tuma, Gallagher, Schron, Jones, Brown, Stephens, Simon, Baker and Brady casting dissenting votes.**

**Mr. Tuma addressed Council regarding Resolution No. R2019-0144. Discussion ensued.**

**Mr. Gregory Huth, Director of Law, and Mr. Trevor McAleer, Legislative Budget Advisor, addressed Council regarding an attorney-client confidential memorandum relating to Resolution No. R2019-0144. Discussion ensued.**

**Councilmembers asked questions of Messrs. Huth and McAleer pertaining to the item, which they answered accordingly.**

**A motion was then made by Mr. Tuma, seconded by Ms. Brown and approved by unanimous vote to waive the attorney-client privilege concerning the confidential memorandum.**

**Mr. Tuma introduced a proposed substitute to Resolution No. R2019-0144. Discussion ensued.**

**Mr. Kahlil Seren, Research and Policy Analyst, addressed Council regarding Resolution No. R2019-0144. Discussion ensued.**

**Councilmembers asked questions of Mr. Seren pertaining to the item, which he answered accordingly.**

**A motion was then made by Mr. Tuma, seconded by Mr. Schron and approved by unanimous vote to accept the proposed substitute.**

**On a motion by Ms. Simon with a second by Mr. Schron, Resolution No. R2019-0144 was considered and approved by a majority roll-call vote of 9 yeas and 2 nays to be referred to the full Council agenda with a recommendation for passage under second reading suspension of the rules, as substituted, with Councilmembers Miller, Tuma, Schron, Conwell, Jones, Brown, Simon, Baker and Brady voting in the affirmative and Councilmembers Gallagher and Stephens casting dissenting votes.**

**Chair Gallagher then handed the gavel to Council President Brady, who called for a short recess and then chaired the remainder of the meeting.**

**5. DISCUSSION:**

- a) Council authority to issue subpoena and consideration of subpoena issuance to County Sheriff

**Mr. Brendan Doyle, Special Counsel, addressed Council regarding the item. Discussion ensued.**

**Councilmembers asked questions of Mr. Doyle pertaining to the item, which he answered accordingly.**

**Council President Brady stated that legislation regarding issuing a subpoena to the County Sheriff would be introduced at the Council meeting.**

**6. MISCELLANEOUS BUSINESS**

**There was no miscellaneous business.**

**7. ADJOURNMENT**

**With no further business to discuss, Council President Brady adjourned the meeting at 4:04 p.m., without objection.**