

MINUTES
CUYAHOGA COUNTY COUNCIL COMMITTEE OF THE WHOLE
TUESDAY, FEBRUARY 22, 2011
CUYAHOGA COUNTY JUSTICE CENTER
COUNCIL CHAMBERS – 1ST FLOOR
4:00 PM

CONTINUATION OF THE CONFIRMATION HEARING FOR
EXECUTIVE APPOINTMENT OF LAW DIRECTOR

1. CALL TO ORDER

Council President Connally called the meeting to order at 4:08 p.m.

2. ROLL CALL

The Clerk called the roll. Councilmembers Greenspan, Miller, Brady, Germana, Gallagher, Schron, Conwell, Jones, Connally, Rogers and Simon were in attendance and a quorum was determined.

3. PUBLIC COMMENT

No public comment was given.

4. CONTINUATION OF CONFIRMATION HEARING FOR LAW DIRECTOR – Gregory Clifford

Council President Connally stated that on February 17th Council convened a confirmation hearing, at the conclusion of which, it came into question as to whether Mr. Clifford, nominee for the position of Law Director, is qualified under the Cuyahoga County Charter to obtain the appointment. The question at hand is whether service as a Municipal Court Magistrate qualifies as experience in advising and representing political subdivisions in Ohio as is required for the position under Cuyahoga County Charter Section 5.03.

Mr. Gallagher made a motion to seek the legal opinion of the Cuyahoga County Prosecutor to make this determination. Mr. Schron seconded the motion. Ms. Connally stated that as specified in Ohio Revised Code Section 309.09, the Prosecutor is the attorney for Council and, therefore, his opinion must be sought first. Ms. Connally continued by stating that should the Prosecutor decide not to render a decision in this matter, Council may seek outside legal counsel.

Ms. Simon did not agree with this interpretation of the Code and felt that outside legal counsel should be sought. Ms. Connally voiced concern with this idea and raised the question as to how Council would choose and pay for outside legal counsel.

A roll call vote was then taken on the motion by the Clerk. The motion was approved by a majority vote, with Ms. Simon casting a dissenting vote. A memo will be sent to the Office of the Prosecutor for legal opinion.

Ms. Connally asked Mr. Clifford whether he had anything to say regarding the matter. Mr. Clifford advised that it should be noted that he served as Chief Magistrate of the Cleveland Municipal Court, not simply as a Magistrate. Several other questions were asked of Mr. Clifford by the Council, which he answered accordingly.

5. ADJOURNMENT

A motion was made by Mr. Miller to continue the hearing until March 1st at 4:00 p.m. Ms. Conwell seconded the motion. The motion carried unanimously. The meeting was then adjourned at 4:35 p.m., without objection.