

K. Barber
Kathleen L. Barber
1890 E. 107th St., Apt. 303
Cleveland, OH 44106

Cuyahoga County Government: **A Blueprint for the Future**

Citizens Committee for County Government Reform

Final Report
April 30, 1996

CITIZENS COMMITTEE FOR COUNTY GOVERNMENT REFORM

CUYAHOGA COUNTY GOVERNMENT: A BLUEPRINT FOR THE FUTURE

***Final Report
April 30, 1996***

**James Aussem, Secretary/Treasurer
Kathleen Barber, Chair
Janet Bullard, Vice Chair
David Dvorak
Lois Goodman
William Madar
Myron Robinson**

**Robert Jaquay, Executive Director
Kirstin Toth, Research Associate
Portia McGinnis, Office Assistant
Matt Hartley, Staff Intern**

The work of the Citizens Committee for County Government Reform, an Ohio nonprofit corporation, is financed by grants from the George Gund Foundation, the Cleveland Foundation, The Greater Cleveland Growth Association, Cleveland Tomorrow, the Premier Industrial Foundation, the George W. Codrington Foundation and the John P. Murphy Foundation.

CITIZENS COMMITTEE FOR COUNTY GOVERNMENT REFORM
1276 WEST THIRD STREET - LOWER LEVEL ONE
CLEVELAND, OHIO 44113
(216) 696-8313

The Honorable Mary O. Boyle, President
The Honorable Timothy F. Hagan
The Honorable Lee C. Weingart
Board of Cuyahoga County Commissioners
1219 Ontario Street
Cleveland, Ohio 44113

April 30, 1996

Subject: Transmittal of this Committee's Final Report - *Cuyahoga County Government: A Blueprint For the Future*

Dear Commissioners Boyle, Hagan and Weingart:

On behalf of the members of the Citizens Committee for County Government Reform, I am most pleased to forward for your consideration our Final Report, *Cuyahoga County Government: A Blueprint For the Future*. I believe that the work of the Committee, as documented herein, fully meets the Mission you gave the Committee upon our appointment in February 1995:

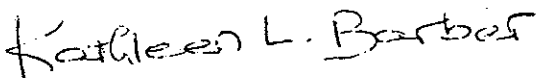
"To initiate discussion, direct research and recommend actions for county-wide governing that will promote accountability and enable county government to deliver high quality public service in the most efficient, cost-effective and equitable manner."

We believe that the elected county executive is the key to enhanced *accountability*. The council elected in part from districts and in part at-large improves representation and therefore *equity* in county policy-making. The conversion of seven separately elected officials to appointed administrators provides for the streamlining that will increase *efficiency* and *cost-effective* delivery of county services.

A draft Charter which embodies our recommendations is enclosed. We understand that you may decide to alter some aspect of the proposed charter when you place it on the the ballot, but we trust that you will remain true to the spirit of the mission you assigned to us as you move toward implementation. We wish you success in this effort.

The Board of County Commissioners has shown vision and leadership by raising the questions addressed in this report. As citizen volunteers, we have valued the opportunity to work on these issues which are so critical to the effectiveness of county government in the twenty-first century.

Respectfully yours,



Kathleen L. Barber
Chair

"TO INITIATE DISCUSSION, DIRECT RESEARCH AND RECOMMEND ACTIONS FOR COUNTY-WIDE GOVERNING THAT PROMOTE ACCOUNTABILITY AND ENABLE COUNTY GOVERNMENT TO DELIVER HIGH QUALITY PUBLIC SERVICES IN THE MOST EFFICIENT, COST-EFFECTIVE AND EQUITABLE MANNER."

CITIZENS COMMITTEE FOR COUNTY GOVERNMENT REFORM

Cuyahoga County Government: A Blueprint for the Future *Table of Contents*

	<u>Page</u>
<i>Letter of Transmittal</i>	2.
<i>Table of Contents</i>	3.
<i>Acknowledgments</i>	5.
<i>I. Executive Summary</i>	6.
<i>II. Detailed Description and Rationale for Final Recommendations</i>	7.
2.01 Charter-Based, County Council-Executive Form	7.
2.02 The County Council	7.
2.03 County Executive	8.
2.04 Department of Finance	9.
2.05 Department of Human Service	10.
2.06 The Justice System	10.
2.061 Prosecutor	10.
2.062 Sheriff	10.
2.063 Coroner	11.
2.064 Clerk of Courts	11.
2.065 Judges	12.
2.07 Department of Public Works	12.
2.08 Timing of the New Government	13.
<i>III. Process of Arriving At Final Recommendations</i>	14.
3.01 Mission Given, Committee Appointed by BOCC (February 1995)	14.
3.02 Not for profit corporation created, Private Funding secured, staff assembled (April '95)	14.
3.03 April, May and June: Public hearings held at the City Club	14.
3.04 Committee Issued Interim Report in July, describing lessons learned to that date (July '95)	17.
3.05 Research Conducted by Contractors, Staff (summer '95)	21.
3.051 Cuyahoga County & The Justice System	22.
3.052 Health & Human Services	22.
3.053 Review of Cuyahoga County Public Works Operations	23.
3.054 Report on the Administrative and Finance Components of Cuyahoga County Government	23.
3.06 Fall Public Meetings: Euclid, Middleburg Heights, Parma (September- November '95)	24.
3.07 Preliminary Proposals (January '96)	24.

3.08 Tabulation of Employee Survey (February '96)	25.
3.09 Focus Groups (February '96)	26.
3.10 Consideration of responses to Preliminary Proposals (through April '96)	28.
3.11 Charter Drafting (January-April '96)	28.
3.12 Final Report (April '96)	29.

IV. APPENDICES

<i>A. Biographies of Committee & Staff</i>	30.
<i>B. Bibliography</i>	33.
<i>C. Proposed Charter</i>	37.
<i>(The document is separately paginated, 1- 20.)</i>	

Acknowledgments

Thanks to many individuals who have made generous contributions to the efforts of the Citizens Committee for County Government Reform. The list is extensive: **Mr. Michael Occionerri Esq.**, owner of the Marion Building, who provided office space; the law firm **Seeley, Savidge and Aussem**, particularly **Mr. Dennis Siciliano, Esq.**, which provided accounting services to the Committee; the firm of **Thompson Hine & Flory P.L.L.**, particularly **David C. Dvorak, Esq.**, **Deborah Z. Read, Esq.**, **Dana R. Andrassy, Esq.**, and **Roy L. Turnell, Esq.**, which provided assistance in drafting the Committee's by-laws, articles of incorporation and application for tax-exempt status; **Linda Barner of Society Bank**, who facilitated our December 16th "advance" (a phrase our Chair uses instead of 'retreat', as it better matches our aspirations and momentum); **Walter Kelley, Esq.** and the law firm **Kelley, McCann & Livingstone**, for drafting the attached County Charter; attorneys **Marilyn Zack, Esq.**, **Seth Taft, Esq.**, and **Terrence Copeland, Esq.**, who formed a volunteer review committee which examined various revisions of the draft charter; **Eugene Kramer, Esq.**, who also volunteered an extensive review of the draft charter; **Sharon Lawrence, National Association of Counties (NaCo)**, who provided information on other counties in the United States; **Cefaratti-Renillo Court Reporters**, who provided transcripts of the early public meetings of the Citizens Committee; **Cuyahoga County**, which provided service as fiscal agent until receipt of the Committee's tax exempt status (**Mary Lou Dowling of the Office of Management & Budget and the County Auditor's Office**) and use of furniture and telephones on a temporary basis (particularly **Bob Burke, Dave Andrews and Joe Luicci**); those that helped the Committee in computer matters, including systems analyst **David Toth**, who was instrumental in selecting and setting up the computer system, **Edward McNeeley of Cleveland State University's College of Urban Affairs**, who helped us get connected to the internet, and **John Chipko of the County Planning Commission**, who helped the Committee's staff upload documents onto the County's Computer Bulletin Board. Finally, our special thanks to our funders: **The George Gund Foundation, The Cleveland Foundation, The Greater Cleveland Growth Association, Cleveland Tomorrow, the Premier Industrial Foundation, the George W. Codrington Foundation and the John P. Murphy Foundation.**

I. EXECUTIVE SUMMARY

Cuyahoga County government is currently managed by a three member Board of County Commissioners in conjunction with the Prosecutor, Coroner, Sheriff, Clerk of Courts, Engineer, Treasurer, Auditor, Recorder and a long list of Boards and Commissions appointed, at least in part, by county elected officials. Authority for this current structure of county government has remained unaltered since before the Civil War, while the bureaucracy has changed tremendously.

Current political wisdom calls for 'devolution' of responsibility and resources from federal to state and local governments. How would Cuyahoga County handle the shrinkage or loss of the federal 'safety net' and the transfer of other new responsibilities to the county? The Citizens Committee recommends important improvements to county government structure that would better enable Cuyahoga County to deal with prospective policy changes on the federal and state levels.

With nearly 10,000 employees and a 1996 operating budget of \$763 million, Cuyahoga County government is both immense and complex. Managing such an entity through our current convoluted structure with such diffuse authority gives rise to frequent inefficiency, occasional ineffectiveness and a general lack of accountability.

A county Home Rule Charter is recommended to give the county's voters flexibility to organize their own government. With that charter, we recommend that the council-executive form be used to replace the current positions of the county commissioners. This separation of powers would substantially increase representation and the voters' influence over the system. By establishing a combination of district and at-large seats on a seven-member council, the proposal would enhance opportunities for minorities to elect candidates of their choice.

The administrative functions presently performed by seven separately elected officials would be assigned to appointed heads of departments reporting to the County Executive. The Departments would include Finance, Health & Human Services and Public Works. The Prosecutor, whose responsibilities involve a high degree of discretion, would continue to be elected by the voters, but other currently elected officials in the Justice system (Coroner, Sheriff and Clerk of Courts) would be converted to appointive posts.

The recommendations would not encroach on municipal powers in any way. No multi-county activities or responsibilities are proposed. This is not "regional" or "metro" government.

This set of proposals offers a reordering of administrative and service delivery functions which greatly diminishes the diffuseness of authority within the current system, while maintaining appropriate checks and balances. The Committee is mindful that our proposals to convert elective administrative offices to appointed posts will be criticized by some as taking away one's right to choose. Rather, we view the entire package, with an elected council and elected executive, as increasing the voters' actual influence over the system, and thus more democratic.

II. DETAILED DESCRIPTION AND RATIONALE FOR FINAL RECOMMENDATIONS

2.01 Charter-Based, County Council-Executive Form

Foremost in this package is the recommendation that the County Charter form of government affords the greatest flexibility in organizing county government to meet future challenges and enhance accountability of its officials. The charter form is already authorized by the Ohio Constitution and can be implemented upon approval by a majority of this county's voters.

Furthermore, within such county charter, we propose adoption of a county council-executive government structure. There is already surprisingly widespread consensus in the community that the executive and legislative functions now performed by the three county commissioners could be better accomplished by a single executive, whose position would focus on accountability, and a part-time county council which would give the public more input into policy making.

- The County Council-Executive form *increases representation* of the voter. The proposed balance of members elected from equal population districts and at-large seats would provide both policy representation for many communities in this diverse county and a broad perspective on county matters from those elected county-wide. Moreover, elected officials under this set of preliminary proposals have authority over the entire range of county affairs, not just those prescribed to the individual administrative offices currently elected by voters.
- The County Council-Executive form *enhances accountability* to the voter by focusing ultimate administrative responsibility upon a single elected full-time executive. Authority in county government is now widely scattered, making the array of administrative officeholders less answerable to the taxpayer for performance.

2.02 County Council (For more detail, please refer to Article 3 of the draft Charter, attached.)

- The County Council would be composed of seven members, elected for four year terms; five of these members would be elected from equal population districts; two would be elected at-large. Council districts would provide policy representation for many perspectives in this diverse county. At-large members can provide a broad perspective on county needs since they are elected by voters from across the county. This combination affords a balance needed in the difficult task of priority setting beyond the tradition-bound, slowly evolving reordering of resources that occurs under the present system of county government. (Charter Section 3.01)
- The districts are initially to be drawn by a Districting Board, to be composed of the three County Commissioners, the County Prosecutor, the Mayor of Cleveland, and two suburban mayors selected by the Cuyahoga County Mayors & Managers Association. This

Board would meet within a year of the election approving the adoption of the charter. Thereafter, Council would be responsible for drawing districts, if necessary, after each decennial census. (Charter Section 3.10)

NOTE: On the question of composition of the Districting Board, Committee members Madar and Robinson desire this report to specify their preferred membership, to wit: the three County Commissioners, the County Prosecutor, the Mayor of Cleveland, the President of Cleveland City Council, and one suburban Mayor selected by the Cuyahoga County Mayors and Managers Association.

- At the beginning of each two year period, by majority vote, the members of Council would choose a Council Chair from among the members of Council. The Chair would preside at meetings of the Council, appoint members to the Committees of Council and perform such other functions assigned by the Council. (Charter Section 3.03)
- The Council would exercise powers such as establishment of departments reporting to the County Executive; adoption of annual operating, capital and tax budgets; establishment of procedures for the making of County contracts and purchasing; and provision of buildings and other public improvements. **These powers would not expand what the county does now, and would in no way encroach on the powers of the County's municipalities.** (Charter Section 3.10)

[The Preliminary Proposal called for an eleven member council, eight from districts, three at-large. The final recommendation reflects the Committee's desire to balance two important pieces of feedback: 1) the need to reduce the size of the proposed council, which was perceived as enlarging the size of government; and 2) the need to maintain representation of minority communities contemplated in the preliminary proposal.]

2.02 County Executive

- **The County Executive would be the chief executive officer of the County. The County Executive would be elected at the General Election and would hold office for a term of four years commencing on the first day of January next following such election. (Charter Section 4.01)**
- The County Executive would have all the powers and duties of an administrative or executive nature as are vested in or imposed upon Boards of County Commissioners by general law. Such powers and duties would include appointment, suspension, discipline or removal of all county personnel; execution of contracts, agreements and evidence of indebtedness on behalf of the County; and submission of annual budgets to the County Council. ***These powers would not expand what the county does now, and would in no way encroach on the powers of the County's municipalities.*** (Charter Section 4.02)

Provisions for Term Limits (Charter Section 8.02), Initiative & Referendum (Charter Section 3.08), Recall of Elected Officials (Charter Sections 9.01, et.seq.), Amendment to the Charter and Periodic Charter Review (Charter Sections 10.01,.02) and a Civil Service Commission (Charter Section 7.01) are also included in proposed charter language.

Important functions presently performed by the many boards and commissions appointed by the Commissioners and others were carefully examined by the Committee. Those appointed jointly with the City of Cleveland and the Cuyahoga County Mayors & Managers Association were determined to be "off-limits" since they do not fall entirely within the county's responsibility. Those retained within the County's purview in the proposed Charter are: the Civil Service Commission, the Planning Commission, the Public Defenders Commission and the Board of Revision. The statutory boards and commissions would be the appropriate subject of an in-depth study by the new County Council, but would continue to operate as at present until such time as the state legislature or the County Council determines that change is appropriate.

2.04 Department of Finance (Charter Section 5.03)

Financial, budgeting, property tax assessing and collecting, and record keeping functions of the county are now divided among the Board of County Commissioners, the Auditor, the Recorder and the Treasurer. (By law, the state auditor audits the county, so the independent auditing function lies outside the county government structure, despite the title of the county office of Auditor). The most important issue of accountability identified by the Committee lies in the way the financial duties of the county are performed. For purposes of accountability, duplication and redundancy should be eliminated, and these activities need to be centralized in a place where "the buck stops."

We would reorganize these activities in a county Department of Finance, headed by a Director of Finance who is appointed for professional qualifications and removed if necessary by the County Executive.

- Create a County Finance Department to be run by a Director of Finance, appointed by and reporting to the County Executive.
- Duties of the offices of the currently elected Auditor, Treasurer and Recorder and the Office of Budget & Management and the Title Division of the Clerk of Courts Office would be organized in the following divisions: Accounting, Data Management, Budget, Treasury, Tax Assessment, Tax Billing & Collection, County Local Government Budget Commission, Titles (to Real Property, Automobiles, Watercraft) & Licenses. Internal Audit, a function not now performed, would be new, and included in the Department of Finance.
- Appropriate credentials and qualifications would be established by the Council for professionals handling each functional area.

2.05 Department of Human Services (Charter Section 5.05)

Presently, the three-member Board of County Commissioners appoints the five Department Directors in the Health & Human Service sector. Enactment of the County Council-County Executive proposal would change the reporting point for Directors in this sector from the Board of County Commissioners to the County Executive.

- **Directors of Entitlement Services, Children & Family Services, Senior & Adult Services, Employment Services and Child Support Enforcement Agency, currently appointed by the County Commissioners, would be appointed by and report to the County Executive.**

2.06 The Justice System (Charter Sections 5.06-.08)

Currently, the Justice system is operated by a mixture of elected and appointed officials. Authority within the Justice system itself is diffuse. No single authority, including the Judges within the various courts, the Prosecutor, Sheriff, or the County Commissioners wield dominant power. These preliminary proposals for the Justice system are offered to enhance accountability to the voters and improve service delivery.

Should the County Council-County Executive proposals be adopted:

- **The legal duty of the County Commissioners to provide adequate operating revenues and adequate facilities would transfer to the Council and Executive.**
- **Presently-appointed officials under the Board of County Commissioners with substantial duties relating to the Justice system, namely Directors of Justice Affairs and Central Services & Justice Facilities would be appointed by and report to the County Executive.**

2.061 Prosecutor

The office of County Prosecutor, most of whose functions fall within the justice system of the county, would continue to be elected. The discretionary character and high visibility of much of the Prosecutor's work support the present assumption of accountability to the voters.

- **The Prosecutor's office would remain an elected post, performing duties as prescribed by the Ohio Revised Code. (Charter Section 6.01)**

2.062 Sheriff

The office of Sheriff, also functioning within the county's justice system, would be converted to a

post appointed by and reporting to the County Executive. The Sheriff would remain responsible for operating the county jail, transporting prisoners, enforcing court orders and serving subpoenas. Enforcement authority would continue to be concurrent with that of municipal and township police.

- **The Sheriff's office would be converted to a post appointed by and reporting to the County Executive, performing duties as prescribed by the Ohio Revised Code. (Charter Section 5.07)**

2.063 Coroner

The office of Coroner, whose functions are highly professional and who is required by state statute to be a medical doctor, would be converted to a Medical Examiner, to be appointed by the County Executive. The duties of the office can best be performed, as they are at present, by a forensic pathologist with demonstrable public sector management skills.

- **The Coroner's office would be converted from an elected post to one appointed by and reporting to the County Executive.**
- **The Medical Examiner would be not only a Medical Doctor, as required by the Ohio Revised Code, but also a forensic pathologist.**
- **The Medical Examiner would be given substantial authority in selection of qualified personnel for the office. (Charter Section 5.08)**

2.064 Clerk of Courts

The functions of the Clerk of Courts are administrative and clerical in nature and while very important to the efficient functioning of the courts, do not involve policy-making responsibilities. The separate election of this administrative position is not necessary. A consolidated data base of court proceedings should be helpful to all the judges of the Common Pleas Court and the 8th District Court of Appeals.

Moreover, we could find no substantive justification for the assignment of automobile and watercraft titles to the office of the Clerk of Courts. These administrative duties would be more effectively combined with other title and license functions, presently scattered among various officials, within the office of the county Department of Finance.

- **The Clerk of Courts' office would be converted to a post appointed by the County Executive. (Charter Section 5.06)**

- The functions of the Auto and Watercraft Titles would be transferred to the County Department of Finance, Division of Titles and Licenses. (Charter Section 5.03)

[The Preliminary Report suggested that the Clerk of Courts be appointed by the Presiding Judge of Common Pleas Court. However, statutory limitations on the assignment of additional duties to judges led the Committee to change the preliminary recommendation to appointment by the County Executive. This seems appropriate because the Executive branch of the County would remain responsible for approving the budget and supplying the revenue to operate the Justice system.]

2.065 Judges

Authority for the operation of the courts derives from Article IV of the Ohio Constitution, whereas the constitutional authorization for county government derives from Article X of the same document. Essentially, the Courts are deemed by Ohio law to be part of a statewide system, rather than a part of county government.

- The Committee has deemed the structure of the Judiciary to be beyond this Committee's scope.
- Two kinds of concerns about the courts were frequently brought to the attention of the Committee. People in the community expressed the view that the present method of electing judges by plurality, at-large in the county does not provide sufficient opportunity for minorities to elect candidates of their choice to the bench. Others who believe that election is an inappropriate method of selecting judges urged that we consider an appointed judiciary. Both of these concerns raise larger questions of public policy that the Committee believes should be addressed in the future by a local committee working with the Ohio General Assembly.

2.07 Department of Public Works

Numerous infrastructure functions are performed in the county by both elected and appointed officials, and by district boards. Regional sewers and wastewater treatment plants, for example, are built and maintained by the Northeast Ohio Regional Sewer District (NEORS), an authority whose board is appointed by the Board of County Commissioners, the Mayor of Cleveland and the Mayors and Managers Association, representing all the municipalities of the county. In accord with our commitment not to encroach on municipal authority, we are not recommending any change in the structure or duties of the NEORS.

However, we find that an appointed county Sanitary Engineer (SE) is responsible for management of county wastewater, storm water and water supply operations, maintaining and

operating the sewer lines owned by the county and the unincorporated areas within the county. At the same time, an elected County Engineer (CE) is responsible for bridges and for county roads in unincorporated areas and helps municipalities maintain and improve their roads. Sewers, roads and bridges are all elements of the infrastructure which are financed by capital investment and which require interrelated planning and execution of projects. These are professional responsibilities, and the SE and CE are both professionally accredited. At present the Board of County Commissioners appropriates funds and approves contracts for their projects.

For both coordination and accountability, we would place both offices of the SE and CE in a county Department of Public Works, to be headed by a Director appointed by the County Executive. Not only would operating efficiencies be achieved, but the public could better understand the allocation of responsibility for infrastructure projects, and through its elected council representatives could participate in setting priorities. The conversion of the elected CE to an appointed position would also bring the County into line with modern administrative practices. Among the fifty states, Ohio is one of only two that still provide in their statutes for an elected engineer.

- **Create a County Department of Public Works to be managed by a Director appointed by and reporting to the County Executive.**
- **The Department would be organized by function-area Divisions: Roads & Bridges, Sanitary Engineering, Airport, Solid Waste, and Emergency Management.**
- **Position of elected Engineer would be converted to appointive post, managing Division of Roads & Bridges; professional qualifications for Director and all division heads would be established by Civil Service Commission. (Charter Section 5.04)**

2.08 Timing Of The New Government

If this Charter would pass, we propose that the *new government be elected in the year 2000, to take office in January 2001*. Under this scenario, officials elected in 1996 (the same year this Charter proposal would pass), would serve their full terms; those elected in 1998 (the Auditor and one Commissioner) would serve a two year term.

III. PROCESS OF ARRIVING AT THE FINAL CONCLUSIONS

The Committee has worked diligently to understand Cuyahoga county government. We engaged in a *very deliberate process* of public outreach, private consultation and research of county operations which has occurred over the last year.

3.01 Committee Appointed By, Receives Mission From Board of County Commissioners in February 1995.

In February 1995, the three Cuyahoga County Commissioners appointed the seven member committee, to be chaired by Kathleen L. Barber, with the following mission:

"To initiate discussion, direct research and recommend actions for county-wide governing that will promote accountability and enable county government to deliver high quality public services in the most efficient, cost-effective and equitable manner."

In tendering this charge, the Commissioners made it clear that this effort was to focus exclusively upon this county government; consequently, regional government was *not* to be considered. Moreover, the Commissioners ruled out any recommendation regarding county assumption of municipal powers or functions.

3.02 Not-For-Profit Corporation Created, Private Funding Secured, Staff Assembled in April, 1995

Following its appointment, the Committee organized itself under Ohio law as a non-profit corporation and applied to the Internal Revenue Service for status as a 501(c)(3) tax-exempt organization. While the application was pending, Cuyahoga County served as fiscal agent for the Committee.

Kirstin Toth, serving as Research Associate for the Committee, worked as staff to the Committee from its inception. Robert Jaquay was granted a leave of absence from the County Planning Commission on April 17, 1995, to serve as Executive Director for the Committee. The staff established its offices in donated space in the Marion Building in Cleveland.

Barber and Toth prepared applications for funding to several foundations. Initial grants from the George Gund Foundation and the Cleveland Foundation were followed by commitments from the Greater Cleveland Growth Association, Cleveland Tomorrow, the Premier Industrial Foundation, the George W. Codrington Foundation and the John P. Murphy Foundation.

3.03 April, May, and June 1995 Public Hearings at the City Club

The Committee promptly held a series of initial public hearings at the City Club of Cleveland. In

addition to affording public input, the meetings were structured to provide an overview of county operations and a framework within which the Committee could conduct its work. The Committee adopted a sector approach to understanding the range of functions handled by county government. Every service was classified in one of four broad groups: Finance & Administration, Public Works, Justice, and Health & Human Services.

On *April 27, 1995*, the Citizens Committee held its first public hearing. Four presentations were scheduled that day.

- B. James Kweder, Professor of Political Science at Cleveland State University, was the first presenter of the day. Professor Kweder touched upon themes that have persisted throughout the Committee's deliberations. The Committee was urged to examine fundamental changes to the purpose and functions of Cuyahoga County government since it was established in 1807, and to find organizational structures and administrative arrangements which would enhance effectiveness, representativeness and accountability. Professor Kweder described county government as initially serving as a "branch office of state government," in that state functions of law enforcement, criminal justice and protection of private property rights were localized in Ohio as in medieval England. Professor Kweder summarized the issues facing the Citizens Committee as a consideration of two competing views of American public administration: the "Jacksonian" approach from the 1820s, where accountability could be gained through the ballot box, resulting in a "bedsheet ballot"; and the "Wilsonian" era view that it is impossible for citizens to monitor the activities of so many separately elected officials and keep them accountable, the so-called "short-ballot" perspective.
- Dennis Roche, the Assistant General Manager of GCRTA who took a leave of absence to assist the County in responding to the SAFE crisis, provided an overview of that situation. He detailed the beginnings of the Secured Assets Fund Earnings (SAFE) investment program, early high returns, growth of the invested amounts, changes of underlying market conditions and lengthening of maturities of the instruments in the portfolio, and efforts by the county to deal with collapse of the fund, followed by creation of written policies designed to avoid a repeat of the situation.
- Marcia Egbert, Vice President of the National Urban Policy Institute and veteran lobbyist for Cuyahoga County, presented an overview of the major change of policy direction which is occurring on both the national and state levels of government. Not only a "branch office" of state government, Cuyahoga County is a local level of government where much federal policy is implemented as well. Ms. Egbert discussed the OhioCare program, with its components for provision of traditional medical care and other services, such as mental health or addiction services, to the poor as an example of the interaction between federal, state and county governments.

- David Reines, Deputy County Administrator and Stephen Wertheim, County Ombudsman, provided an overview of the County's Health & Human Services system, the first of four such functional groupings to be considered by the Committee. The presentation focused first on the reorganization of these functions, in 1992 when five departments were created to replace the single Department of Human Services (Entitlement Services, Children & Family Services, Senior & Adult Services, Employment Services and the Bureau of Child Support); and secondly, on the review of those changes to determine effectiveness of the reorganization. This area accounts for nearly half of all county expenditures, and involves a substantial portion of the county workforce as well.

On *May 11, 1996*, the Committee held its second public hearing at the City Club. Presentations were made regarding Finance & Administration, second of four functional areas of county responsibility.

- A panel comprised of four former county administrators (William Gaskill, William Plato, David Abbott and Danny Williams) provided significant insights into current county operations. The word "diffuse" was used repeatedly to describe the nature of power and responsibilities within county government. *"...I was frequently and continue to be amazed at the amount of very positive work that comes out of the county despite a convoluted and diffused organization structure...and while certain responsibilities are defined, there are very few sanctions that anyone in authority has had to impose upon others who are elected officials in order to make sure that they adhere to whatever policy has been established or even to which they have all agreed"*, stated William Plato. Mr. Abbott also contributed a basic theme with his observation that very few people understand county government.
- Alexandra Turk, Director of the Office of Budget & Management and Steven Letsky, Director of Accounting in the Auditor's Office, presented basic information on the County's financial systems. Ms. Turk walked the Committee through an executive summary of the approximately \$750 million budget and described the intersection of policy and finance in producing such a budget. Mr. Letsky described operations of the Auditor's office (including the fact that the County Auditor does not and is not authorized by Ohio law to audit) and interaction between the Auditor and Treasurer.
- Thomas Hayes, the current County Administrator, provided a presentation on information technologies and their applications in Cuyahoga County. He stated, *"As long as information is "owned by an elected official rather than the product to be shared throughout the county or throughout other governments, we cannot be efficient...Once you commit to an organization based upon information as opposed to an organization...that is divided by statutory or elected function, a number of possibilities suddenly come to light."*

At a regular meeting of the Citizens Committee held on *May 15, 1996*, Robert Jaquay, the

Committee's Executive Director, presented a summary of Ohio law on structure of county government. Essentially, three forms are provided to a county's citizenry: a) the *general statutory form*, which is the current system of three county commissioners, eight elected "row" offices (Auditor, Treasurer, Recorder, Engineer, Clerk of Courts, Prosecutor, Sheriff and Coroner); b) the *statutory alternative form*, which allows for election of a county council, either election or appointment of a county executive and retention of the eight elected row offices; c) the *home rule charter form*, whereby the local citizenry may structure the organization as desired so long as all mandated functions are performed.

On *June 8, 1995*, panels concerning the final two functional areas, the Justice system and Public Works, were presented.

- A variety of officials working within the county Justice system were present and essentially described their jobs: The Hon. James J. Sweeney, Presiding Judge of Common Pleas Court; The Hon. Stephanie Tubbs Jones, Cuyahoga County Prosecutor; Robert Pace, Director of Corrections (reporting to the Sheriff); The Hon. Elizabeth Balraj, Coroner and James Draper, County Public Defender. Judge Sweeney emphasized that the judiciary derived its authority from different statutory sources than county government, placing suggestions for the bench beyond the reach of a county charter.
- The panel on Public Works (The Hon. Thomas Neff, County Engineer; Edwin Price, Director of Community Services; and Paul Alsenas, Director of the County Planning Commission) discussed the scope of infrastructure investments and systems maintained by county government. The Committee was particularly impressed as Paul Alsenas explained his perspective on the need for broader strategic thinking regarding Public Works. "*We need to fund strategies, not projects,*" he stated.

3.04 Committee Issued an 'Interim Report' in July, describing to the public lessons learned by members through work to that date (July 1995).

The *Interim Report* summarized some of the basic understandings of county government the Committee had garnered up to that point. The report also outlined basic Ohio law regarding the structural options for county government. Lastly, the document explored the Committee's plans for research and community outreach.

The report sets the following context: "It is widely recognized that the SAFE crisis serves as the single event which triggered the County Commissioners to form the Citizens Committee. Yet, arguably, far more compelling reasons to change the structure of county government exist.

"Competitiveness of the county economy in the global marketplace, growth and increased segregation of poverty, the explosion of drug-related crime and random violence are among the major issues facing this community. Current political wisdom calls for 'devolution' of responsibility and resources from national to state and local government. If county government is

to make a difference in any of these and other still unforeseen challenges, it must be able to develop practical strategies. Moreover, county government must possess the ability to implement these strategies. Deliberations by the Committee on recommendations for improvement of County government should keep these fundamental community challenges in mind."

The *Interim Report* also conveyed a sense of lessons learned about county government:

- **COUNTY GOVERNMENT STRUCTURE DIFFERS FROM THAT OF NATIONAL, STATE AND MUNICIPAL; CONSEQUENTLY, ITS FUNCTIONS ARE MUCH LESS WELL UNDERSTOOD**

County government in Ohio is *not* generally structured along "*three branches*." Rather, the Board of County Commissioners exerts both "quasi-legislative" and "quasi-executive" powers.

Moreover, elected county officials manage affairs in each of eight separate offices, thus in the overall, sharing executive functions with the County Commissioners. The same may be said about numerous boards and commissions operating at the county level.

Yet, American-born citizens are taught from a very early age about the *THREE BRANCHES OF GOVERNMENT: LEGISLATIVE, EXECUTIVE AND JUDICIAL*. This basic lesson also occurs near the very outset of the naturalization process. The same fundamental structure is found at the national level and in all the states of the Union. With few exceptions, municipal governments are so structured as well.

County government looks very different from other levels of government. This fact may contribute significantly to lack of interest in and understanding of county government by the general public.

Further complicating matters for the average citizen, the names of some offices do not well describe their functions. For example, the County Auditor, though performing many important tasks, does not conduct audits within the county government of Cuyahoga County. These functions are performed by the Auditor of State.

- **CUYAHOGA COUNTY GOVERNMENT IS IMMENSE**

The size and diverse array of services offered by county government is very large. The 1994 Budget Plan for the County estimated 1995 employment would total 10,055 persons and total annual expenditures would be \$768,978,434. Cuyahoga County is the second largest employer within the county. Only the federal government employs more individuals in Northeast Ohio.

Perhaps its size and complexity is not so surprising when one considers that Cuyahoga County, with a population of 1,400,000 and approximately 688,000 private and public jobs is an "economy" that is larger than many states. The 688,000 employment figure is larger than Alaska,

Delaware, Hawaii, Idaho, Maine, Montana, New Hampshire, North Dakota, Rhode Island, South Dakota, Vermont and Wyoming. In many public policy exercises, Cuyahoga is compared to Rhode Island as their population, geographic size and employment numbers are roughly comparable.

Nonetheless, numerous questions have arisen about ways to increase efficiencies. For instance, it has been noted that the Board of County Commissioners, many other elected and numerous Boards and Commissions each have separate accounting staffs, personnel offices, purchasing functions, staff lawyers and public relations officers. Could many of these functions in some way be centralized or at least streamlined? A similar question was posed during recent examination of the Human Services reorganization. Client intake functions are performed not only at each separate department, but often at separate programs within the same department. Given readily available computer technologies, could not intake be done at a single point?

- **AUTHORITY IN COUNTY GOVERNMENT IS DIFFUSE; Commissioners not at "top of hierarchy," as is commonly believed; rather, power is divided among Board of County Commissioners, other elected county officeholders and various Boards & Commissions.**

The Board of County Commissioners is vested with significant power which cuts across the entire structure and affects virtually every function performed by county government. Yet, they are not the ultimate or final authority within county government, as is commonly believed. Rather, authority and accountability are divided among three interacting power centers: the Board of County Commissioners, elected officeholders (Prosecutor, Auditor, Clerk of Courts, Recorder, Sheriff, Coroner, Engineer, and Treasurer) and a myriad of Boards and Commissions with substantial administrative and fiscal autonomy (Alcohol & Drug Addiction Services Board, Board of Mental Retardation, Citizens Ombudsman Office, Community Mental Health Board, County Planning Commission, County Public Library Board, Solid Waste Planning Committee, Metro Health System Board of Trustees, Public Defenders Commission, Soldiers & Sailors Monument Board of Trustees, Area Agency on Aging Board of Trustees and others).

- **COUNTY GOVERNMENT, THOUGH POSSESSING SIGNIFICANT LOCAL AUTHORITY, IS GREATLY AFFECTED BY POLICY AND FISCAL DECISIONS IN BOTH COLUMBUS, OHIO & WASHINGTON, D.C.**

Both James Kweder, Professor of Political Science at Cleveland State University, and Marcia Egbert, Vice President of the National Urban Policy Institute, Columbus, Ohio, emphasized this very important reality of county government.

"The rule of thumb was [during early years of statehood], that county lines were drawn so that people could conduct their county business, their state business, within a day. Counties, then,

were administrative subdivisions of the state; counties were the equivalent, if you will, of the branch offices of state government." Kweder, CCFCGR Hearing, April 27, 1995 pg. 13.

"I think that's a fact [Kweder's observation, above] that most citizens don't understand: that county government is a part of the state and has no independent authority outside which is bestowed upon it by the state and federal government. And so, that means a couple of things. One that we often need to go to the legislature and to the Congress seeking some tweaking of authority; also that the state and federal government imposes many mandates, restrictions, any number of kinds of activities on county government that [have] a tremendous impact on how county government can independently operate or use its own locally generated resources." Egbert, CCFCGR Hearing, April 27, 1995, pg. 68.

In other words, absent a home rule charter, county government exists as a "creature of the State," depending upon express authorization from the General Assembly before any function is performed. Although not dependent upon the federal government for legitimacy, substantial federal dollars flow through county government. Changes by federal authorities to such programs substantially impact county operations.

- **CUYAHOGA COUNTY GOVERNMENT STRUCTURE PRE-DATES THE CIVIL WAR, HAS ROOTS IN AMERICAN COLONIES, SOME OFFICES EVEN TRACE TO MEDIEVAL ENGLAND**

Though amended numerous times, the Ohio Constitution of 1851 remains the primary source of authority under which county government operates. The first major revision to this article occurred in 1933, when Article I was amended allowing the General Assembly to provide alternative forms to the "general statutory" structure of county government. In 1957, language was adopted which clarified the "tiered, special majority" requirements for electoral approval of a county charter, imposed by the Ohio Supreme Court in the case, State ex rel Howland v. Krause. In 1978, responsive to Summit County efforts to process structural change to its form of government, Article X, Section 4 was amended, thus establishing a procedure for creation of a County Charter Commission and the direct route for proposals from such a Commission to the ballot for electoral vote.

Much of the structure and terminology of County government in the current Ohio Constitution can be traced directly to America's English colonial past, and still further back to Medieval England.

"At least some will tell you, I think the existing structures and arrangements may be better suited to 19th century Ohio, or even 15th century England, than 21st century Greater Cleveland." Prof. B. James Kweder, CCFCGR Hearing, April 27, 1995, pg. 11.

"As we begin, we agree with your assumption that there is a problem. Our system was designed to govern a few hundred thousand people; in a relatively small geographic space; before radio,

TV, computers, and fax machines; and before the proliferation of single purpose, county-wide governments. The system needs to be overhauled." Janis Purdy, Executive Director, the Citizens League, CCFCGR Hearing, June 8, 1995.

3.05 Research Was Conducted During Summer 1995 by Contractors and Staff

During the Summer months of 1995, the Citizens Committee was in a research and information-gathering mode. In addition to meetings between Committee members and elected officials, other knowledgeable county workers, election experts and community leaders, a number of research contracts were executed.

Each area of responsibility (Finance & Administration, Health & Human Services, Public Works and the Justice System) was examined in much the same way. Primary questions to be answered by the researchers were:

- 1) What are the mandated functions? State or federal? What is the primary population served by the mandate? Cite the specific source of the mandate? (E.g., ORC...)*
- 2) What are the non-mandated functions provided? What is the primary population served? What is the source of this service offering, i.e., why is the service provided?*
- 3) Who is the ultimate authority, e.g., local director, appointing authority? Who influences decisions about service delivery, even if they have no direct authority, i.e. direct or indirect influences on what services are provided by the county. If influence is possible but not used, why not?*
- 4) What were the total expenditures for these services in 1994 and the sources of these funds? For example, county general fund, levy, state or federal grants?*
- 5) What are the barriers to delivering these services more efficiently and effectively?*
- 6) How can accountability of service delivery be increased? What policies and/or procedures could be changed or amended prior to or following a reorganization of county governmental structure? Can boards and commissions be simplified, combined or abolished?*
- 7) What structural options are there to enhance these services?*

A contract to research the Finance & Administration area was given the Citizens League Research Institute. Public Works was undertaken by the Urban Center of Cleveland State University's College of Urban Affairs. The Health & Human Services research was handled by Ronald Stewart, former executive director of numerous human service non-profits locally and a graduate student at the Mandel School of Case Western Reserve University. The Justice system was researched by Robert Jaquay, the Committee's Executive Director.

Results of these studies were received during the fall of 1995. Summaries of the reports follow:

3.051 Cuyahoga County & The Criminal Justice System is a comprehensive review of the Courts (all divisions of Common Pleas Court, the 8th District Court of Appeals and interaction with other Ohio courts) and Justice-related functions of the Prosecutor, Coroner, Clerk of Courts Sheriff and the Board of County Commissioners. The report suggests that a central issue faces this committee: How to preserve independence of Justice system officials relative to case-by-case decision-making, and at the same time forward recommendations which enhance efficiency in operating the system and promote accountability for all decisions.

Nearly one quarter of all county resources are annually devoted to operation of the Justice system. (1994 pre-SAFE budget devoted \$174.2 million of an overall budget of \$761.4 million to Justice expenditures.) Only delivery of Human Services receives a larger portion of available resources annually.

Like earlier observations made about county government as a whole, authority within the Justice system is diffuse. No single party, including the judges within the various courts, the Prosecutor, the Sheriff or the county commissioners, wields dominant power. Rather, policy and administrative decisions are frequently negotiated among the various involved parties.

The report summarized Justice system issues that arise with each of three structural alternatives available to the citizens under Ohio law: the current form of a three-member Board of County Commissioners and eight elected "row" offices, commonly known as the 'general statutory form'; the "statutory alternative", which provides for a county council (from 3 to 21 members) and a county executive (either appointed or elected), but no change to the row offices; and the county charter, which allows the greatest structural flexibility.

3.052 Health & Human Services In Cuyahoga County surveys the number of Departments and agencies within this functional area. They include: County Departments of Employment Services, Entitlement Services, Senior & Adult Protective Services, and Children & Family Services; the Child Support Enforcement Agency, the Community Mental Health Board, Private Industry Council, Board of Health, Alcohol and Drug Addiction Services Board, Regional Information Systems, Western Reserve Area Agency on Aging, MetroHealth Hospital, and the Board of Mental Retardation and Development Disabilities.

Of the wide array of mandated services offered by these departments, boards and agencies, approximately 68% of these functions are mandated by the federal government; 22% are mandates of state government and 10% mandated by the County Commissioners.

A large list of important functions offered by county government are not mandated by either federal or state government, but authorized by local officials to meet perceived needs within the community.

Identified obstacles to better health & human service delivery include: lack of resources to meet all identifiable needs (the proposed federal block grant approach was seen as being a threat to service delivery); antiquated technology, particularly lack of an integrated computerized information system was seen as hindering service delivery; competition between Cleveland and Cuyahoga County for resources was seen as detrimental and the cause of duplication of effort in some service areas; and lack of a clear, central authority and insufficient authority for departmental directors were seen as problems also.

The report offers various structural options for health and human services functions of county government.

3.053 Review Of Cuyahoga County Public Works Operations found fragmentation and often overlapping functions among the County Engineer, the Department of Development, the Department of Community Services (which houses the Sanitary Engineer, the County Airport and the Emergency Management Division) and a number of Boards and Commissions (including the Planning Commission, Solid Waste Management District, Litter Prevention Board, Soil & Water Conservation District) resulting in a diminished level of administrative efficiency and effectiveness in the county's public works operations.

The report offers two general options for structural change to the county's public works functions. Option One essentially retains the elected County Engineer with the additional powers of responsibility over the county's sewer system (the Sanitary Engineering Division.) Option Two presents a public works structure that is directly responsible to the County Executive and pulls together all of the related activities under a public works agenda.

3.054 Report On The Administrative And Finance Components Of Cuyahoga County Government focuses on the Administrator, Auditor, Automated Data Processing Board, Board of Commissioners, Board of Elections, Board of Revision, Office of Budget & Management, Department of Central Services, Clerk of the Board, Office of Equal Opportunity, Ombudsman, Personnel, Recorder and Treasurer. The report offers an agency by agency profile and a list of pros and cons for organizing the county along the lines of each of the three structural arrangements allowable under current Ohio law: general statutory, alternative statutory and charter forms.

The authors found several functions and offices working well. Yet, they also found several areas where efficiency and accountability could be improved through management oversight, reorganization, or consolidation of services.

The authors of the Finance & Administration report also suggested that the Citizens Committee adopt a number of guiding principles regarding its recommendations: keep it simple, changes don't have to take place all at once, but start soon and be sure it can be justified as having a significant impact on efficiency and accountability.

3.06 Fall Public Meetings

The substance of the research reports were featured topics at public meetings this Committee held in various locations throughout the county during the Fall of 1995. The meetings were scheduled in evening hours at Cleveland area neighborhood locations so as to reach a more diverse audience than possible with downtown, daytime meetings.

The first such meeting was conducted on *September 27, 1995* at *Euclid City Council Chambers*. The main topic of the evening was a presentation of research on County Public Works Functions by authors of the report, Kevin O'Brien and Billie Geyer of Cleveland State University's College of Urban Affairs. A panel of respondents included the Hon. John Kocevar, Mayor of South Euclid; Randy McSheppard, President of the community group Euclid Community Concerns; and Mark Ruzik, a resident of Cleveland's Ward 11 (Collinwood) and a member of the Greater Cleveland Regional Transit Board. Approximately twenty people were in attendance.

A second public meeting was held on *November 21, 1995* at the *Middleburg Heights City Council Chambers*. The group was welcomed by the Hon. Gary Starr, Mayor of the host city. A presentation of research on County Health & Human Service Functions was made by Ronald Stewart, author of the report. A Discussion Panel Reacting to Presentation included the Hon. Stan Trupo, Mayor of Berea, Dr. John Caddey, Executive Director of Berea Childrens Home & Family Services and Jan Murray, Esq., Vice President and General Counsel, Southwest General Hospital. Approximately twenty people attended the meeting.

A final public meeting was conducted on *December 5, 1995* at *Parma City Council Chambers*. A Presentation of research on County Finance & Administration functions was made by Janice Purdy and Laurel Dimallo of the Citizens League Research Institute, authors of the report. Reacting to the presentation was a panel which included the Hon. J. Timothy McCormack, Auditor of Cuyahoga County; the Hon. Jack C. Krise, Jr., the elected City Treasurer of Parma; Russel P. Adrine, Esq., senior partner of the law firm Hardiman, Buchanan, Howland & Trivers; and Dennis Roche, who made a presentation on the SAFE situation at the Committee's April 27, 1995 meeting and Deputy General Manager for Finance, Greater Cleveland Regional Transit Agency.

3.07 Preliminary Proposals Issued in January, 1996.

In dozens of meetings, both public and private, between members of the Citizens Committee for County Government Reform and community leaders on our work, the request was made to "*Get back to me when you have something more specific.*" On January 24, 1996, the Citizens Committee issued a document entitled, *Concise Statement of Preliminary Proposals: Inviting*

Further Consideration and Community Input. This document expressly *invited feedback*. These preliminary proposals were crafted with the Committee's Mission statement in mind.

- The *preliminary proposals emerged from this Committee's very deliberate process* of public outreach, private consultation and research of county operations.
- The preliminary proposals *did not expand county government functions, would not encroach upon municipal prerogatives and would not bring about 'regional government'*.
- The County Council-Executive form *would increase representation* of the voter. The proposed balance of members elected from equal population districts and at-large seats would provide both policy representation for many communities in this diverse county and a broad perspective on county matters from those elected county-wide. Moreover, elected officials under the preliminary proposals would have authority over the entire range of county affairs, not just those prescribed to the individual administrative offices currently elected by voters.
- The County Council-Executive form *would enhance accountability* to the voter by focusing ultimate administrative responsibility upon a single elected full-time executive. Authority in county government is now widely scattered, making the wide array of administrative officeholders less answerable to the taxpayer for performance.
- We proposed that the *new government be elected in the year 2000, to take office in 2001*. Under this scenario, officials elected in 1996, would serve their full terms; those elected in 1998 (the Auditor and one Commissioner) could serve a two year term.

3.08 Tabulation of Employee Survey (February '96)

The Citizens Committee for County Government Reform recently distributed an Employee Survey to all 10,000 County employees. A total of 779 responses were received and tabulated by the Committee.

Consisting of two questions, the survey first asked employees to rate the quality of County Government according to eight different criteria: service to citizens, providing for employees, criminal justice, public works and infrastructure, services to families, services to seniors, services to the poor, and management of taxpayers' money. The results follow:

<u>CRITERIA</u>	<u>AVERAGE RATING (Out of a Possible 5)</u>
Services to Citizens	2.99
Services to Families	2.77
Services to Seniors	2.77
Public Works/Infrastructure	2.64

Services to the Poor	2.62
Providing for Employees	2.51
Criminal Justice System	2.35
Managing Taxpayer Money	1.89

Average of all Categories 2.57

The second question asked employees to share their ideas on the County's structure and major operational policies, and to make suggestions as to how these could be changed to improve County Government. As the Committee's mission is to determine how County Government can be restructured, many of the responses were outside this mission, focusing on working conditions, compensation packages, or specific programs. But those comment that were within the Committees's mission tended to reinforce the research conducted by the Committee. Many employees pointed to lack of accountability, duplication of functions, and inefficiency as major problems within County Government. Many employees mentioned the SAFE fund and money management as immediate concerns. However, there was no common agreement as to how these problems should be addressed. Several employees advocated a council/manager form of government. Several wanted to increase the power of the Commissioners, while others wanted to decrease the power of the Commissioners and give departments more autonomy. Some employees advocated more radical proposals such as metro government, regionalization or privatization. Many called for reducing the number of elected officials, while some stressed the importance of keeping officials directly accountable to voters.

Despite the wide variety of suggestions, many of them had the same goals; increase accountability, increase efficiency, and avoid duplication of services. These are the same goals identified by the Citizens Committee.

3.09 Focus Groups (February '96)

The Citizens Committee engaged the services of Opinion Dynamics Corporation of Cambridge, Massachusetts to conduct a series of focus groups in order to evaluate the public's understanding of county government and receptivity to ideas for altering the structure of county government. Opinion Dynamics, a firm which engages primarily in non-partisan referenda research, conducted four such focus groups in Cuyahoga County in late February, 1996.

These groups were conducted at private market research firms in Euclid, Shaker Heights and Bay Village. The groups were constructed to represent major gender, geographic and racial groups of the county. Potential participants were pre-screened so that county employees did not participate in the focus groups.

Major findings of the focus groups:

- Overall, there is extremely limited knowledge of both the functions of Cuyahoga County and the people elected to serve in the county government.
- Few participants were able to name any County Commissioners, and even fewer could name other county-wide office holders. One important exception, however, was the County Treasurer, who was mentioned in all four groups. Treasurer Gaul is known only because of his involvement in the matters surrounding the S.A.F.E. investigation.
- Only one participant, a West Side resident, had heard or read anything about the Citizens Committee, or any current proposals to restructure County Government. Surprisingly, there was at least one mention in three groups of an old proposal to form a large metropolitan government.
- Reflecting a widespread public mood and sentiment, a majority in the groups were very enthusiastic about undertaking change if it meant that problems such as welfare fraud and lack of child support would be addressed.
- Without knowing what the specific changes might be, a majority in all groups also felt that a major financial scandal like S.A.F.E. would indeed warrant "changes" to the fundamental structure of county government.
- To most participants, replacing the present three-member Board of Commissioners with an eleven-member County Council gives the appearance that county government is "growing". This negative perception overshadows another widely held perception that the Council would probably offer citizens greater and more direct representation.
- Most participants saw district representation as a good thing, however a few individuals pointed to the gridlock in Congress or the wrangling of the Cleveland City Council as evidence of the negative results of district-focused representation.
- While there was some concern that the election of a County Executive would concentrate too much power in one individual's hands, there was a counterbalancing sentiment that the office would increase accountability significantly. Participants felt that administrative decision-making would be greatly improved with a single executive as opposed to a three-member Commission. With few exceptions, there was a feeling among the groups that the County Executive should be elected, not appointed.
- In terms of the Executive's own appointment powers, it was generally accepted that the authority to name and manage appointees to formerly elected positions would

result in better qualified professionals. However, despite a near total lack of knowledge of who currently fills these jobs, some participants still remain reluctant to give up their right to vote for these offices.

- There was frequent mention of the concept of "checks and balances", along with analogies to Congress and city councils. Many participants felt that the authority of the Executive could be appropriately checked by some approval or veto mechanism on key appointments by the County Council.

3.10 Consideration of Responses to Preliminary Proposals (through April '96)

Nearly three dozen written responses from community leaders and dozens of phone calls were received by the Committee and individual members in response to the *Preliminary Proposals*. Moreover, Committee members and staff met with numerous community groups following release of the *Preliminary Proposals*, including Leadership Cleveland, the Caucus of Cleveland City Council, management of MetroGeneral Hospital, the Cuyahoga County Mayors & Managers Association, the Suburban Councils Association of Cuyahoga County, the Cuyahoga County Law Directors Association, The Cuyahoga County School Treasurers Association, the Citizens League of Greater Cleveland, the League of Women Voters of Cleveland, various committees of the Greater Cleveland Growth Association, leadership of the Cuyahoga County Democratic Party, Chair of the Cuyahoga County Republican Party Central Committee and various ward clubs of both major political parties. Committee members also conducted meetings with each County Commissioner near the close of our process for gathering reactions.

While the Committee hoped to receive substantial input within one month to six weeks from release of the *Preliminary Proposals*, it was decided to continue to take feedback until release of this *Final Report*. In other words, the Committee continued to listen until the last possible moment.

Input from these sources, as well as from the coverage of the *Preliminary Proposals* and reaction to them in various local publications (including CRAIN's Cleveland Business, the Free Times, the Plain Dealer and the Sun Papers), the employee survey and citizen focus groups were reviewed by the Committee in preparation for refining the *Preliminary Proposals* into the *Final Report*.

3.11 Charter Drafting (January-April '96)

The Committee decided to produce a draft county charter as part of its final work product. Immediately after release of its *Concise Statement of Preliminary Proposals* on January 24, 1996, Walter C. Kelley, Esq., of the firm Kelley, McCann & Livingstone began work on a draft charter that would provide a structure of county government as proposed by the Committee.

The draft charter was reviewed by attorneys Seth Taft, a retired partner of Jones, Day, Reavis and Pogue and former Cuyahoga County Commissioner; Marilyn Zack, retired from the firm Calfee,

Halter & Griswold and former Law Director for the City of Cleveland and Terence Copeland, a partner with the firm Hahn, Loeser & Parks and a former Cleveland City Councilman.

Kathleen Barber, Chair of the Committee and Robert Jaquay, the Committee's Executive Director, also participated in the review of evolving drafts.

3.12 Final Report (April 1996)

This report reflects the final judgments of the Committee, formed by synthesizing various inputs including the employee survey, focus group analysis, written and verbal feedback to the Committee's Preliminary Report. By design, this report contains not only a summary of our final recommendations and a description of the process we followed, but a proposed county charter. It is entitled *Cuyahoga County Government: A Blueprint for the Future*.

Appendix A

BIOGRAPHIES OF COMMITTEE & STAFF

JAMES S. AUSSEM, Secretary/Treasurer of the Citizens Committee, is Principal of Seeley, Savidge & Aussem, a legal professional association. A member of the Ohio State Bar Association since 1975, Mr. Aussem practices primarily in the areas of closely held business, estate and financial planning, probate and taxation. Mr. Aussem holds a J.D. from Cleveland State University, Cleveland-Marshall Law School and a B.A. from Baldwin-Wallace College. Mr. Aussem is a member of the American, Ohio State and Greater Cleveland Bar Associations. He is a frequent lecturer to professionals in law, insurance and financial planning fields. Mr. Aussem is a resident of Westlake.

KATHLEEN L. BARBER, Chair of the Citizens Committee, taught Political Science and chaired the Department at John Carroll University for many years. Now retired, she continues to write and is involved in community activities. She is a trustee of the George Gund Foundation, the Great Lakes Science Center, currently under construction on the shore of Lake Erie, and the Cleveland AIDS Funding Collaborative. She is a graduate of Wellesley College, and holds the M.A. and Ph.D. in Political Science from Case Western Reserve University. Dr. Barber has been a life-long activist in politics, having served as a city council member and Vice-Mayor of Shaker Heights, member of its charter commission, a member and vice chair of the Cuyahoga County Democratic Executive Committee, member of the Ohio State Democratic Executive Committee and twice a Democratic National Convention delegate from Ohio. She is a resident of Bratenahl.

JANET L. BULLARD, Vice Chair of the Citizens Committee, is Senior Vice President of Key Corp., where she directs multicultural human resource affairs for the bank. She has served in numerous management positions with the bank since 1974. Ms. Bullard is a 1977 graduate of John Carroll University and of the Leadership Cleveland Program. Among numerous community responsibilities, Ms. Bullard is Chair of the Private Industry Council of Cuyahoga County, Chair of the Training Committee of the National Inroads Board and trustee of Notre Dame College of Ohio, Meridia Huron-Hillcrest Hospital, and the National Conference of Christians & Jews, Inc. Ms. Bullard is a resident of Shaker Heights.

DAVID C. DVORAK is an attorney with the firm Thompson Hine & Flory P.L.L., practicing general corporate and securities law with emphasis on mergers and acquisitions. Mr. Dvorak has previously practiced with the firm Jones, Day, Reavis & Pogue and worked as a corporate banking officer with Sun Bank/South Florida, N.A. Mr. Dvorak holds a B.S. in Business Administration from Miami University of Ohio and a J.D. from Case Western Reserve University where he was an editor of the law review and elected to the Order of the Coif. Mr. Dvorak lives in Shaker Heights.

LOIS GOODMAN is President of the Work & Family Consulting Group, Inc. which provides a host of personnel services to business clients including development and management of child care

centers, emergency and sick child care. Prior to establishing her consulting practice in 1990, Mrs. Goodman held responsible posts at Ameritrust, Jewish Vocational Service and the Cleveland Scholarship Program. Mrs Goodman holds the B.A. from the University of Michigan and the M.A. from Case Western Reserve University. Her many community activities include service as trustee of Cleveland Opera (past President), Montifiore Home (Vice President), WomenSpace, the Jewish Community Federation and the Shaker School Foundation. She has been an Overseer of Case Western Reserve University, Grand Jury Foreman in Cuyahoga County and active with United Way Services. Mrs. Goodman has also served on the Board of Directors of Metropolitan Savings Bank. She lives in Shaker Heights.

WILLIAM P. MADAR is President and Chief Executive Officer of the Nordson Corporation, a firm headquartered in Westlake and engaged in the manufacture and worldwide marketing of industrial equipment, along with the software and application technologies that enhance its use. Prior to 1986, Mr. Madar spent 20 years with the Standard Oil Company. Mr. Madar holds a B.S. in Chemical Engineering from Purdue University and the M.B.A. from Stanford University. Mr. Madar is trustee of numerous organizations in Cleveland, including Cleveland Tomorrow, Leadership Cleveland (Chair), Cleveland Commission on Higher Education (Chair), Cleveland Clinic Foundation, Cleveland Museum of Art, Playhouse Square Foundation and Hawken School. Mr. Madar is director of National City Bank, Brush Wellman Inc., and Lubrizol Corporation. Mr. Madar lives in Cleveland.

MYRON F. ROBINSON is President and Chief Executive Officer of the Urban League of Cleveland, the latest post in over twenty-five years with the Urban League movement. Mr. Robinson holds a B.A. from Youngstown State University. He has engaged in graduate study at University of Pittsburgh, the University of Wisconsin and Harvard University. Mr. Robinson is a trustee of the Greater Cleveland Roundtable; the Great Lakes Science Center; the Convention and Visitors Bureau, Ohio Boys Town, Inc., and Antioch Baptist Church. He is also a member of the Visiting Committee of Case Western Reserve University's Mandel School of Applied Social Sciences and Cleveland State University's Maxine Levin College of Urban Affairs. He lives in Cleveland Heights.

ROBERT JAQUAY, Executive Director of the Citizens Committee, is a local government manager and lawyer of nearly 20 years experience with career emphasis on urban planning and development. Mr. Jaquay was on staff of the Cuyahoga County Planning Commission from 1990 until joining the Committee. Mr. Jaquay also has worked for the City of Cleveland (in the Departments of Law, Economic Development and as Executive Assistant to Mayor George Voimovich), and the Northeast Ohio Areawide Coordinating Agency. Mr. Jaquay holds an M.P.A. from Harvard University, a J.D. from Cleveland State University and a B.S. in Business Administration from John Carroll University. He has served as an adjunct faculty member at Cleveland State University's College of Urban Affairs for ten years. His writing has appeared in publications including the Journal of the American Planning Association and Cities & Villages. He is a resident of Cleveland Heights.

KIRSTIN S. TOTH serves as **Research Associate** for the Citizens Committee for County Government Reform. Prior to this assignment Ms. Toth worked as an assistant to Cuyahoga County Commissioner Mary O. Boyle from 1992 through 1995. She also spent eight years as Director of Marketing and senior marketing officer with Bank One, Youngstown. Ms. Toth holds an M.P.A. degree from Cleveland State University and a Bachelor of Business Administration degree with a minor in Journalism from Ohio University. In recent years, Ms. Toth has served as an officer of Hard Hatted Women and the Cleveland Hts.-University Heights League of Women Voters. She lives in Cleveland Heights.

PORTIA S. MCGINNIS has worked as a **part-time secretary/receptionist** for the Citizens Committee for County Government Reform. Immediately prior to joining the Committee, Ms. McGinnis worked for Champion Personnel System, Inc as a secretary assigned to numerous Cleveland-based corporations on a temporary basis. She is a graduate of Cleveland's John Adams High School and possesses a Medical Assistant Certificate from the ESI Career Center. She lives in Euclid.

MATTHEW R. HARTLEY serves as **staff intern** for the Citizens Committee for County Government Reform. Previously, Mr. Hartley was the Director of Homeownership Development for Uptown Habitat for Humanity in Chicago, and was coordinator of volunteers and homeowner issues for Greater Cleveland Habitat for Humanity. He also served as Development Assistant for the American Judicature Society in Chicago. Mr. Hartley earned a B.A. in Political Science from Syracuse University, and is currently a law student at Case Western Reserve University School of Law. He is a resident of Cleveland.

Appendix B

Bibliography of Written Materials Prepared by or for the Citizens Committee for County Government Reform.

- *Transcript of April 27, 1995 Public Hearing of Citizens Committee for County Government Reform at the City Club of Cleveland, prepared by Ceferatti-Rennillo Court Reporters*
- *Transcript of May 11, 1995 Public Hearing of Citizens Committee for County Government Reform at the City Club of Cleveland, prepared by Ceferatti-Rennillo Court Reporters*
- *Transcript of June 8, 1995 Public Hearing of Citizens Committee for County Government Reform at the City Club of Cleveland, prepared by Ceferatti-Rennillo Court Reporters.*
- *Interim Progress Report, Citizens Committee for County Government Reform, July 1995.*
- *Ronald Stewart, Research Report on the Health & Human Services functions of Cuyahoga County, prepared for the Citizens Committee for County Government Reform, October 1995.*
- *The Citizens League Research Institute, Finance & Administration of Cuyahoga County, prepared for the Citizens Committee for County Government Reform, October, 1995.*
- *Robert Jaquay, Cuyahoga County & The Justice System, Citizens Committee for County Government Reform, November, 1995.*
- *Cleveland State University, The Urban Center, Kevin O'Brien, et al, Review of Cuyahoga County Public Works Operations, prepared for the Citizens Committee for County Government Reform, October, 1995.*
- *Concise Statement of Preliminary Proposals: Inviting Further Consideration and Community Input, Citizens Committee for County Government Reform, January 24, 1996.*
- *Matt Hartley, Results of Survey of Cuyahoga County Employees, Citizens Committee for County Government Reform, February, 1996.*
- *Kirstin Toth, A Sampling of Counties: Council-Executive Governments, Citizens Committee for County Government Reform, February, 1996.*

- *Opinion Dynamics Corporation, Focus Group Results: Citizen Reactions to Proposed Changes to Cuyahoga County Government, March 8, 1996.*

Newspaper articles, editorials and letters to the editor on Citizens Committee (up to April 23, 1996):

Heider, Timothy, "Panel will look at county setup", *The Plain Dealer*, February 24, 1995; article.

The Citizens League of Greater Cleveland, "Cuyahoga County Government: A History of Reorganization Efforts" *Citizen Participation*; March 1995; quarterly publication of the Citizens League.

"Myron Robinson named to government reform committee", *Call and Post*, March 9, 1995; article.

"Put everything on the table", *The Plain Dealer*, March 5, 1995; editorial.

Schweikert, Paul. "Government restructuring that builds problems", *The Plain Dealer*, April 19, 1995, letter to the editor.

Barber, Kathleen, L. "The goal is better; not just different", *The Plain Dealer*, April 25, 1995; letter to the editor.

"Cuyahoga's government needs some streamlining", *The News-Herald*, April 29, 1995, editorial.

Bullard, Stan. "Full-time county reform committee digs into work", *Crain's Cleveland Business*, May 8, 1995; article.

Heider, Timothy. "Reorganization of county government considered", *The Plain Dealer*, May 31, 1995; article.

"Cuyahoga County: Criminal Justice Forum", *The Plain Dealer*, June 7, 1995; bulletin board listing.

"County reform committee plans hearing", *Euclid Sun Journal*, September 21, 1995, article 'in brief.'

"Boyle thinking ahead", *The Plain Dealer*, October 31, 1995; editorial.

Murray, Matt. "Cuyahoga County Bounces Back After Bond-Market Losses in 1994", *Wall Street Journal*, November 3, 1995, article.

"Bitter Lessons", *Crain's Cleveland Business*, November 6, 1995, editorial.

"It's Broken; let's fix it: County Government reform effort is an opportunity to get some change back from your \$114 million", *The Plain Dealer*, December 17, 1995; editorial.

"Monstrous job", *Crain's Cleveland Business*, December 21, 1995; editorial and editorial cartoon.

"Agenda '96: The top of the topics" and "Agenda '96: The Public Trust, Busting the Betrayers", *The Plain Dealer*, January 21, 1996; editorials.

Jones, David W. "Group: Change the way county government runs: Task force suggests replacing commissioners with 11-member elected city council", *The News-Herald*, January 25, 1996; article.

Konkoly, Jim. "Committee wants reform to end 'passing the buck'", *Sun Papers*, January 25, 1996, article.

Heider, Timothy. "Panel says it's time for a change: Overhaul of county government could be on Nov ballot" *The Plain Dealer*, January 25, 1996, article.

Beach, David. "End of the line for the county engineer?", *EcoCity Cleveland*, January 1996, commentary.

"Cuyahoga eyes sweeping revamping of government" *The News-Herald*, January 27, 1996, editorial.

"A chance to do better: The voters of Cuyahoga County would do well to accept this offer of more accountable, efficient government(Agenda '96: The Public Trust)" *The Plain Dealer*, January 28, 1996; editorial.

"Worthy Reforms", *Crain's Cleveland Business*, February 5, 1996; editorial.

Grant, Allison. "Candidates echo need for change in county government", *The Plain Dealer*, February 26, 1996; article.

Jones, David. "Old way isn't cutting it", *The News-Herald*, February 29, 1996; article.

Dooley, Dennis. "The Question - Rethinking the County: Is it time Cuyahoga followed Summit's example?", *Northern Ohio Live*, March, 1996; Interview of Dr. Kathleen Barber.

Naymik, Mark. "Ready and Still Waiting: Few politicians respond to preliminary reform plan that would radically change county government", *The Cleveland Free Times*, March 6, 1996; article.

"Don't Rush on Reform", *The Sun Papers*, March 21, 1996; editorial.

Grant, Allison. "Commissioner races are routs: Campbell, Harbarger and McCormack get big victories" *The Plain Dealer*, March 20, 1996; article.

"Spoils Sport" *The Plain Dealer*, April 1, 1996; editorial.

Lawrence, Sharon. "Devolution prompting structural changes in counties" *County News*, April 1, 1996; article.

Theiss, Evelyn and Timothy Heider. "Plan to reform county snarled: Cuyahoga leaders wary of fallout" *The Plain Dealer*, April 13, 1996; article.

League of Women Voters, Cleveland Heights-University Heights Chapter, "Reforming County Government - again" *CH-UH VOTER*, April 1996; article.

Dirck, Joe. "Perhaps county has the gall to reform" *The Plain Dealer*, April 14, 1996; commentary.

Heider, Timothy. "Democrats wary of county office reform" *The Plain Dealer*, April 14, 1996; article.

"Heard Around Town" *Call & Post*, April 18, 1996; capsule entry on lack of support for plan, urging closer look by Black community.

"Sabotaging the bandwagon: Officials who like county government just the way it is are motivated by their own selfish reasons" *The Plain Dealer*, April 18, 1996; editorial.

"Don't wimp out" *Crain's Cleveland Business*, April 22, 1996; editorial.

PROPOSED CUYAHOGA COUNTY CHARTER

CITIZENS COMMITTEE FOR COUNTY GOVERNMENT REFORM

Committee Members:

James Aussem, Secretary/Treasurer
Kathleen Barber, Chair
Janet Bullard, Vice Chair
David Dvorak
Lois Goodman
William Madar
Myron Robinson
Robert Jaquay, Executive Director

Revised April, 1996

WE, THE PEOPLE OF CUYAHOGA COUNTY, OHIO DO ADOPT THE FOLLOWING AS OUR CHARTER:

ARTICLE 1

Section 1.01 Purpose

The purpose of this charter is to make the county government of Cuyahoga County (herein "the County") directly responsible to the people for services, programs and policies of the County, to reduce dependence on the state legislature for laws of County concern, and to provide an orderly and efficient structure for carrying on the business of the County without diminishing or adversely affecting the rights, powers and responsibilities of townships and municipalities.

ARTICLE 2

POWERS

Section 2.01 Powers of the County

The County is responsible for the exercise of all powers vested in and in the performance of all duties imposed upon counties and county officers by law. In addition, the County may exercise all powers specifically conferred by this charter or incidental to powers specifically conferred by this charter and all other powers which the constitution and laws of Ohio now or hereafter grant to counties to exercise or do not prohibit counties from exercising. All powers shall be exercised and enforced in the manner prescribed by this charter, or, when not prescribed herein, in such manner as may be provided by ordinance or resolution of Council, and, when not prescribed by this charter or amendments thereto or by ordinance or resolution of Council, then such powers shall be exercised in the manner prescribed by general law. This charter does not empower the County to exercise exclusively any municipal powers or to provide for the succession by the County to any property or obligation of any municipality or township without the consent of the legislative authority of such municipality or township. In case of conflict between the exercise of powers granted by this charter and the exercise of powers by municipalities or townships granted by the constitution or general law, whether or not such powers are being exercised at the time of adoption of this charter, the exercise of power by the municipality or township shall prevail.

The County is a body corporate and politic with all the attributes of such a body, including, but not limited to, the capability of suing and being sued, pleading and being impleaded, accepting, holding and disposing of any interest in property of any kind, contracting and being contracted with, and having perpetual succession.

All powers of the County government shall be exercised and all duties shall be performed so as to protect civil rights, promote cooperation between ethnic and cultural groups, and promote equality based upon race, religion, sex or national origin, and no officer, employee or agency shall, in the exercise of powers or the performance of duties under this charter, discriminate against any person, firm or corporation because of race, religion, sex or national origin.

ARTICLE 3

COUNCIL

Section 3.01 Membership and Qualifications

The Council shall be the legislative and taxing authority of the County. The Council shall consist of seven members. Two members shall be elected at large from the County. Cuyahoga County shall be divided into five districts. Each district shall elect a member of Council.

Each member of Council shall be a resident in the County and a member elected from a district shall reside in the district during incumbency.

Section 3.02 Terms

The term of office of members of Council shall be four years except as provided herein and shall begin on the first day of January next following their election.

At the general election in the year 2000 two at large members of Council shall be elected. The candidate receiving the highest number of votes shall be elected for a four-year term and the candidate receiving the next highest number of votes shall be elected for a two-year term. Every second year thereafter, one at-large member shall be elected for a four year term.

At the general election in the year 2000 a member of Council from each odd numbered district shall be elected for a four-year term. A member of Council from each even numbered district shall be elected for a two-year term. Every second year thereafter, two or three members shall be elected from districts for four years as the respective terms expire.

Section 3.03 Chair

At the beginning of each two-year period the Council shall elect by a majority of its members one of its members as Chair and one of its members as Vice Chair, each of whom may be removed by a majority of members. The Council shall appoint a Clerk of Council and other employees of the Council.

The Chair shall preside at meetings of the Council, appoint members to committees of Council and perform other duties assigned by Council. The Chair may vote on all matters as any other member of Council.

The Vice Chair shall act as Chair in the absence or disability of the Chair.

Section 3.04 Compensation

Members of Council shall be paid a salary equal to thirty (30) percent of the salary of the Executive.

Section 3.05 Powers

All actions of the Council of a general or permanent nature shall be by ordinance or resolution, and Council shall have the power to legislate on any matter in which the County has power to legislate under Article II of this charter, including, but not limited to, the power:

(A) To enact and adopt any and all legislation necessary or desirable to carry into effect the provisions of this charter;

(B) To adopt a budget and appropriate funds;

(C) To levy taxes and to submit tax levies, bond issues and charter amendments to the electors of the County, pursuant to the limitations and procedures of general law;

(D) To exercise the powers and perform the duties of a board of county commissioners with respect to the making of public improvements and the levying of special assessments;

(E) To provide for the establishment of departments, divisions and boards in addition to those provided for in this charter or required by general law; and

(F) To establish levels or ranges of compensation and personnel benefits for all employees of the County except as otherwise provided in this charter.

Section 3.06 Organization, Rules and Procedures

The Council may adopt its own rules and regulations consistent with provisions of this charter. Voting upon any ordinance, resolution or motion shall be by roll call and the vote of each member shall be recorded.

Council shall make provisions for the time and place of regular meetings, the method of calling special meetings and the method of giving public notice of its ordinances and resolutions.

No deliberations by a majority of the members of Council on County business and no action by the Council shall be taken except at public meetings, except as permitted by general law.

Section 3.07 Legislation

No ordinance or resolution shall contain more than one subject which shall be clearly expressed in its title.

Each ordinance or resolution providing for the appropriation of money or an annual tax levy, and any emergency ordinance or resolution necessary for the immediate preservation of the public peace, health, safety or welfare, shall take effect, unless a later time be specified therein, upon its signature by the Executive, or upon the expiration of the time within which it may be disapproved by the Executive, or upon its passage after disapproval by the Executive, as the case may be. All other ordinances and resolutions shall take effect and be operative after thirty (30) days subject to the veto provisions set forth in Section 4.06 herein. Each emergency measure shall contain a statement of the necessity for such emergency action, and shall require the affirmative vote of not less than five (5) members of Council for its enactment as an emergency measure.

Section 3.08 Initiative and Referendum

The rights of the initiative and referendum are reserved to the people of the County on all matters which the County may now or hereafter be authorized to control by legislative action, provided that initiative and referendum may be used in connection with revenue producing measures only as permitted by general law.

The provisions of general law applicable to municipalities shall govern procedures for initiative and referendum, except that all powers and duties respecting initiative or referendum petitions imposed upon city auditors by general law shall be exercised by the Clerk of Council.

Emergency measures shall be subject to referendum, but if such a measure is repealed by referendum, any necessary expenses or obligations incurred thereunder, prior to such repeal, shall be paid or discharged.

Section 3.09 Vacancies

Any vacancy occurring in Council shall be filled by appointment by a majority of the remaining members of Council who are members of the same political party as the previous incumbent whose office is vacant, if the previous incumbent was nominated and elected as a party candidate. If such incumbent was not nominated and elected as a party candidate, or if no other Council member was nominated and elected from the same party as such incumbent, then the vacancy shall be filled by appointment by a majority of the remaining members of Council. In either case, the vacancy shall be filled within thirty (30) days and if not filled within thirty (30) days, the Chair shall make the appointment. The person appointed shall belong to the same political party, if the previous incumbent was nominated and elected as a

party candidate and shall serve for the remainder of the term, subject to the qualifications set forth herein.

Section 3.10 Districts

Within one year after the election approving the adoption of this charter a Districting Board shall divide the County into the five districts referred to in Section 3.01 of this charter. The population of the districts shall be substantially equal. Each district shall be composed of adjoining territory and reasonably compact in form. District boundaries shall be amended by the Council after each federal decennial census figures are available if necessary to maintain population equality. Any such amendment must be accomplished not later than December 1 of the year prior to the year in which the amendment is to be effective.

The Districting Board shall consist of the three County Commissioners, the Mayor of the City of Cleveland, the mayors of two suburban municipalities appointed by the Mayors and City Managers Association of Cuyahoga County, and the Prosecuting Attorney of Cuyahoga County, each holding office as of January 15, 1997.

ARTICLE 4

EXECUTIVE

Section 4.01 Executive

The executive and administrative authority of the County shall be vested in an Executive who shall be an elector of the County and be elected for a four (4) year term.

Section 4.02 Executive: Powers and Duties

The Executive shall exercise such powers and perform such duties of a board of county commissioners and other county officers prescribed by general law as are not otherwise provided by this charter. The Executive shall be responsible for the efficient and proper administration of such affairs as are placed in charge of the Executive by this charter, the general laws of the State of Ohio or by action of the Council and for the administration of all departments, boards and commissions for which the Executive is the appointing authority.

The duties of the Executive shall include, but not be limited to, the following:

- (A) Execute contracts, conveyances and evidences of indebtedness on behalf of the County;
- (B) Provide for the execution of all ordinances and resolutions of Council and all laws of Ohio subject to enforcement by the County;
- (C) Be responsible for negotiating, bargaining and recommending to the Council contracts and agreements, except where competitive bidding is required, including agreements with employee organizations;
- (D) Appoint, promote, transfer and discipline employees of the County, unless otherwise provided in this charter, subject to the rules and regulations of the Civil Service Commission. Such authority may be delegated by the Executive to directors of departments.
- (E) Designate an assistant county executive or department director as the person to serve as acting executive in the event of a temporary vacancy in the office of Executive or the absence or temporary disability of the Executive.
- (F) Provide or make available centralized services, such as purchasing, communication and data processing, for the County and all of its boards and commissions, and negotiate and recommend to Council agreements with other public agencies for the joint furnishing of such services;

- (G) Submit to the Council an annual budget and a capital improvement program;
- (H) Provide research and program planning for meeting future County needs, including the need for funds, and for maximum administrative efficiency;
- (I) Submit a report to the Council not later than the first day of April of every year as to the state of the County and recommend to the Council improvements in County organization and County services; and
- (J) Review the structure, functions, procedures and performance of any board or commission of the County existing at the time of the adoption of this charter or created by the Council or provided for by general law and recommend to the Council the elimination, transfer, reorganization or creation of any board or commission, except as otherwise provided in this charter, or required by general law.

Section 4.03 Compensation

The Executive shall be paid a salary equal in amount to the salary fixed by general law for a judge of the common pleas court of Cuyahoga County.

Section 4.04 Election of Executive

An election shall be held for the office of Executive at the general election in the year 2000, and in every fourth year thereafter. The person elected shall assume office on the first day of January of the year following the election and shall serve until a successor is elected and qualified. The Executive shall devote full time to the performance of the duties of the office.

Section 4.05 Executive Succession

If the office of Executive becomes vacant, the Council shall, within thirty (30) days of such vacancy, appoint a successor, who shall belong to the same political party as the previous incumbent, if the previous incumbent was nominated and elected as a party candidate, and such successor shall serve for the remainder of the term; provided, however, that if such vacancy occurs more than thirty (30) days before the primary filing date in an even numbered year which is not the regular quadrennial election year for the Executive, then a successor shall be elected at such general election to serve during the remaining two years of the Executive term.

Section 4.06 Veto Power and Overriding Vetoes

Every ordinance or resolution enacted or adopted by Council shall be signed by the Chair of Council and promptly presented to the Executive. If the Executive approves such ordinance or resolution, it shall be signed by the Executive and returned to Council within ten (10) days after its enactment or adoption. If not approved it shall be returned to Council within ten (10)

days with the Executive's written objections. If the Executive does not sign or return an ordinance or resolution with written objections within the ten (10) day period it will take effect as if it had been signed on the last day of the ten (10) day period. The Executive may approve or disapprove the whole or any item of an ordinance or resolution appropriating money, but otherwise approval or disapproval shall be addressed to the entire ordinance or resolution. When the Executive has disapproved an ordinance or resolution, or an item thereof, Council may, not later than its next regular meeting, proceed to reconsider it, and if upon reconsideration the ordinance or resolution or item thereof disapproved by the Executive be approved by the affirmative vote of at least five (5) members of Council, it shall take effect without the signature of the Executive.

ARTICLE 5

ADMINISTRATIVE DEPARTMENTS

Section 5.01 Departments

There shall be a Department of Finance, a Department of Public Works, a Sheriff's Department, a Medical Examiner's Department, a Department of Human Services, and such other departments as the Council may by ordinance create, except as otherwise provided in this charter.

Section 5.02 Divisions

The Council may add to or combine divisions within departments in order that all of the duties of the departments named in this charter or prescribed by general law may be best administered. Division heads shall be appointed by the respective department directors, subject to the approval of the Executive.

Section 5.03 Department of Finance

The Department of Finance shall be administered by a Director of Finance who shall be appointed by the Executive on the basis of professional training and experience and shall report to the Executive.

The Director of Finance shall be the fiscal officer of the County and shall exercise all of the powers and perform all of the duties imposed by general law upon county treasurers, county auditors, county recorders and the duties of county clerks of court not related to the operation or service of the courts. The Director of Finance shall also perform such other duties as the Executive or Council may assign not inconsistent with the duties imposed by this charter.

The Department of Finance shall be organized in divisions such as Treasury, Tax Assessment, Tax Billing and Collection, Accounting, Data Management, Budget, Property Recording and Titles and Licenses.

Section 5.04 Department of Public Works

The Department of Public Works shall be administered by a Director of Public Works, who shall be a registered professional engineer, appointed by the Executive, and shall report to the Executive.

The Director of Public Works shall exercise the powers and perform the duties of county engineers and county sanitary engineers prescribed by general law. The Director of Public Works shall also be responsible for the maintenance of all County lands, buildings and

equipment, and shall perform such additional duties as the Executive or Council may assign not inconsistent with the duties imposed by this charter.

The Department of Public Works shall be organized in divisions such as Roads and Bridges, Sanitary Engineering, Airport, Solid Waste, Building Regulations and Emergency Management.

Section 5.05 Department of Human Services

The Department of Human Services shall be administered by a Director of Human Services who shall be appointed by the Executive on the basis of professional training and experience and shall report to the Executive.

The Director of Human Services shall exercise the powers and perform the duties of county directors of human services as prescribed by general law and such other duties as the Executive or the Council may assign not inconsistent with the duties imposed by this charter.

The Department of Human Services shall be organized in divisions such as Entitlement Services, Family and Children Services, Senior and Adult Services, Employment Services and Child Support Enforcement.

Section 5.06 Clerk of Courts

The Clerk of Courts shall perform the duties and receive the compensation as prescribed by general law for clerks of common pleas county and courts of appeals, except that the functions and duties of clerks of courts provided by general law not related to the operation or service of the courts shall be performed in the Department of Finance, Division of Titles and Licenses.

The Clerk of Courts shall be appointed by the Executive and shall report to the Executive.

Section 5.07 Sheriff's Department

The Sheriff shall be appointed by the Executive on the basis of law enforcement training and experience and shall report to the Executive. The Sheriff shall perform the duties of county sheriffs as prescribed by general law and such other duties as may be prescribed by the Council or the Executive.

Section 5.08 Medical Examiner's Department

The Medical Examiner shall be appointed by and report to the Executive and shall perform the duties of county coroners as prescribed by general law. The Medical Examiner shall be a medical doctor and a forensic pathologist licensed in Ohio and may appoint assistant

coroners and other medical staff subject to the budget and appropriations ordained by the Council.

Section 5.09 Performance Bonds

Bonds for the faithful performance of the respective duties of county officials, except the Prosecuting Attorney shall be in amounts determined by the Council.

ARTICLE 6

COUNTY PROSECUTING ATTORNEY

Section 6.01 County Prosecuting Attorney

The Prosecuting Attorney shall be elected, have the qualifications and perform the duties and receive the compensation of county prosecuting attorneys as prescribed by general law.

Assistant prosecuting attorneys and other employees in the Prosecuting Attorney's office shall be appointed by the Prosecuting Attorney and shall serve at the pleasure of the Prosecuting Attorney within funds appropriated by the Council and at rates of compensation fixed by the Council.

ARTICLE 7

BOARDS AND COMMISSIONS

Section 7.01 Civil Service Commission

The Civil Service Commission shall consist of five (5) electors of the County, no more than three of whom may be of the same political party, nominated and, with the consent of a majority of Council, appointed by the Executive for five year terms, except that the first five members shall be appointed for terms of one to five years respectively, so that a term of one member shall expire at the end of each calendar year. The Board shall adopt rules and regulations, subject to approval of Council, and shall establish and administer, pursuant to such rules and regulations, a personnel system on the basis of merit and fitness as the basis for appointment and promotions in the service of the County, as required by the constitution of Ohio, and for appeals from any action of an appointing authority. General provisions of law for civil service applicable to counties shall apply until the Civil Service Commission has adopted its rules and regulations and such rules and regulations have been approved by Council, after which the general laws of Ohio, except the constitution, shall not apply to the personnel practices of the County.

Each appointed department head, division head and member of a board or commission and the principal assistant, chief deputy and personal secretary in each department, division, office, board and commission, and lawyers and physicians shall be unclassified and shall serve at the pleasure of the appointing authority, except as provided in this charter.

Section 7.02 Budget Commission

There shall be a Budget Commission consisting of the County Executive, the Director of Finance and the Prosecutor. Members of the Budget Commission may appoint deputies to serve on their behalf.

The Budget Commission shall exercise all powers and perform all duties of a county budget commission prescribed by general law.

Section 7.03 Board of Revision

There shall be one or more Boards of Revision, each consisting of three electors, two of whom, from different political parties, shall be appointed by the Council, and one of whom shall be appointed by the Executive, all for terms of three years. Each Board of Revision shall exercise all powers and perform all duties of a county board of revision prescribed by general law. Council may provide for compensation for members of the Board of Revision.

Section 7.04 Other Boards and Commissions

Any board or commission of the County and any joint board or commission in which the County is a participant in existence when this charter becomes effective, but not provided for in this charter shall continue to exist until reorganized or discontinued by action of Council, unless its continuance is required by general law.

Section 7.05 Special Boards and Commissions

When general law or any agreement with other public agencies or court order provides for appointment of members of a special board, commission or other agency by a board of county commissioners, such appointments shall be made by the Executive, with the consent of the Council.

Special county or district boards, commissions or other agencies required or permitted by general law shall operate under this charter in the same manner as provided by general law for a county of the size of Cuyahoga County.

ARTICLE 8

ELECTIONS AND TERM LIMITS

Section 8.01 Applicable Law

Except as provided in this charter the procedures for all nominations and elections to the elective offices provided for herein shall be governed by general law.

Section 8.02 Term Limits

No person shall serve in any specific elected office for more than three consecutive four-year terms, except that the time in office of a two-year term or an unexpired term shall not be counted in this limitation.

Section 8.03 Limitation

No candidate shall seek at one time more than one office provided for in this charter.

No elected County official shall hold any other elective office or hold any other employment with the County.

ARTICLE 9

RECALL

Section 9.01 Recall

In addition to the procedures authorized by general law for the removal of elected County officials, the electors shall have the power to remove from office by a recall election the Executive, any member of Council or the Prosecuting Attorney in the manner provided herein. If an officer shall have served for six (6) months of his term, a petition demanding removal may be filed with the Clerk of the Council who shall note thereon the name and address of the person filing the petition and the date of such filing. The petition and each part thereof separately circulated shall contain the name and office of the person whose removal is sought and a statement in not more than two hundred (200) words of the grounds for the removal. Such petition shall be signed by at least that number of electors which equals fifteen percent (15%) in number of the electors voting at the last preceding general election, in the County or district respectively. Within ten (10) days after the day on which such petition shall have been filed, the Clerk shall determine whether or not it meets the requirements hereof. If the Clerk shall find the petition sufficient, the Clerk shall promptly so certify to the Council, shall deliver a copy of such certificate to the officer whose removal is sought, and shall make a record of such delivery. If such officer shall not resign within five (5) days after the day on which such delivery shall have been made, the Council shall thereupon fix a day for holding a recall election, not less than seventy-five (75) nor more than ninety (90) days after the date of such delivery. At such recall election in the County or district, as the case may be, this question shall be placed on the ballot: "Shall (naming the officer) be removed from the office of (naming the office)?" with provision on the ballot for voting affirmatively or negatively on such question. If a majority of the votes cast at such election shall be voted negatively, such officer shall remain in office. If a majority of the votes cast shall be voted affirmatively, such officer shall be considered as removed as of the date the result of the election is certified by the Board of Elections to the Clerk of Council, the office shall be deemed vacant, and such vacancy shall be filled as provided in this charter. The officer removed by such recall election shall not be eligible for appointment to the vacancy created thereby.

Section 9.02 Petitions

A recall petition may be circulated in several parts. The manner of signing, the method of circulating, the form and requirements as to the affidavit of the circulator and other applicable requirements of general law regulating initiative and referendum petitions shall apply in the case of recall, except as otherwise provided in this charter.

Section 9.03 Limitation

No recall petition shall be filed against an officer of the County having been subjected to a recall election, until at least one year after such election.

ARTICLE 10

CHARTER REVIEW AND AMENDMENTS

Section 10.01 Charter Review Commission

The Council shall appoint a Charter Review Commission not later than February 1, 2011, and every ten years thereafter. The Commission shall consist of five (5) members, appointed by the Executive with the consent of a majority of the members of Council. No more than three (3) members of the Commission shall be members of the same political party. Members shall serve without pay. The Charter Review Commission shall review the operation of County government and shall report its recommendations for amendment, if any, to the Council not later than July 15 of the same year.

Section 10.02 Amendment

Amendments to this charter may be submitted to the electors by the vote of five (5) members of Council or on petition of eight percent (8%) of the electors of the County as provided in Article X Section 4 of the constitution of the State of Ohio.

ARTICLE 11

MISCELLANEOUS PROVISIONS

Section 11.01 Ethics

Ethical, conflict of interest and financial disclosure provisions of general law shall apply to County officers and employees.

Section 11.02 Separability

If any section or part of a section of this charter is found to be invalid or unconstitutional, the findings shall not invalidate or impair the validity, force, or effect of any other section, or part of a section of this charter, unless it clearly appears that such other section or part of a section is wholly and necessarily dependent for its operation upon the section or part of a section held unconstitutional or invalid.

Section 11.03 Effective Dates

The effective dates of this charter shall be January 15, 1997, for purposes of the Districting Board provided for in Section 3.10 of this Charter, January 1, 2000, for the purposes of nomination and election of officers and January 1, 2001 for all other purposes.

Section 11.04 Elected Officers and Employees on Effective Date

The offices of elected county commissioners, sheriff, clerk of courts, recorder, treasurer, auditor, coroner and engineer, as provided by general law, are, as of the effective date of this charter, abolished and the term of office of any such elected official which would by general law, extend beyond January 1, 2001, is terminated by operation of this charter as of such date and no compensation shall be paid to such elected officials for services, as elected officials, beyond such effective date.

This charter shall not alter any rights or privileges respecting employment of any person employed by the County on the effective date of this charter, except as otherwise provided herein.

Section 11.05 Effect Upon Existing Laws and Rights

The taking effect of this charter shall not affect any preexisting rights of the County, nor any right or liability or pending suit or prosecution either on behalf of or against the County or any of its officers, nor any franchise granted by the County, nor pending proceedings for the authorization of public improvements or the levy of assessments therefor.

Except as a contrary intent appears herein, all acts of the Board of County Commissioners of this County shall continue in effect until lawfully amended or repealed.

After the effective date of this charter, service of any legal process, notice, or other matter to be served upon the County or any County officer pursuant to any law or regulation shall be made upon the Executive.

A Forum of Opinion & Ideas

THE PLAIN DEALER · WEDNESDAY, MAY 15, 1996

Better ideas to run county

By Kathleen L. Barber

Ask the typical Cuyahoga County resident how our county is governed, and you will probably get a shrug instead of an answer. That's understandable. A flow chart of our present county government structure confuses even political experts.

Ask people who make it their business to know how our county's government works (public servants, business leaders, activists), "Who ultimately is accountable to the voters for the \$763 million Cuyahoga County government will spend this year in federal, state and local taxes?" The response would (and should) shock you, because the answer is: "No one."

Cuyahoga County's government is a patchwork of power centers that sometimes cooperate but often compete with each other. Its structure is better suited to the days of the Erie Canal than the Information Superhighway. That's no surprise, because this structure has remained virtually unchanged for more than 150 years — when farms and small townships dotted the landscape and mass transit consisted of steamboats and trains.

Under this plan, a seven-member elected council would be comprised of five representatives from equal population districts and two at-large seats. District representation would give our diverse population a voice it lacks in county government. Meanwhile, administrative functions performed by seven separately elected officials — treasurer, auditor, recorder, engineer, sheriff, clerk of courts and coroner — would be assigned to department heads appointed by an elected county executive.

This reform would put policymaking in the hands of elected officials and administrative responsibility in the hands of professional administrators.

On April 30, our committee submitted its final report — "Cuyahoga County Government: A Blueprint for the Future" — to the commissioners. The report includes a proposed charter for a new Cuyahoga County government that could be put before the voters in November.

While there appears to be broad bipartisan consensus that our county's government structure is badly in need of reform, vocal opposition to the plan has

✓ Does the plan encroach on municipal powers?

This plan in no way encroaches on municipal authority, expands county government functions or introduces "regional government." This proposal will give municipalities a greater voice in their county government and let everyone — voters and politicians — know where the buck stops in county government.

✓ Will an elected council-executive structure give the voters more influence in county government?

The present structure, in which no single official is accountable and whose workings few residents understand, can hardly be called voter-responsive. Our committee's plan clearly expands voter influence and enhances public accountability by giving residents the right to elect council representatives from their own districts and a countywide executive whose performance in office will be evaluated by the voters every four years at the ballot box.

A more representative county government will also give communities and minorities a voice in