

Report of the Commission on Cuyahoga County Government Reform

When a government no longer serves the best interests of the people, then the people must change that government. Change usually comes through the election of new office holders, but sometimes that is not enough change. This is such a time.

This year we observe the 200th anniversary of Cuyahoga County, and our community must confront the fact that the structure of County government no longer serves us well. From any perspective – efficiency, fairness, accountability, effectiveness – the *structure* of Cuyahoga County government is letting us down despite the fact that most of its employees strive to provide exemplary service.

We were appointed to the Commission on Cuyahoga County Government Reform by Governor Ted Strickland, Speaker of the House Jon Husted, and Senate President Bill Harris to recommend structural changes to Cuyahoga County's government. Our Commission held nine public hearings over three months. We received oral and written testimony from citizens, interested organizations, elected officials and experts in the field of government structure. We interviewed all County elected administrative officials. We examined all previous studies of county reform, which gave us a valuable baseline for our work. We commissioned the Levin College of Urban Affairs at Cleveland State University to survey and evaluate county structures around the country. We created a web site (www.ccgovreform.org) to post updates on our work and to receive additional input. All of this helped to shape our conclusions.

As required, we have communicated our recommendations to the State to be put into legislative form for the consideration of the Ohio House and Senate. If, as we hope, the General Assembly amends the Ohio Revised Code to add our recommendations as an alternative form of statutory county government, the citizens of Cuyahoga County will have the final word on the form of government they prefer. Therefore, as citizens of this county who share a deep concern for the well-being of our community and our neighbors, we feel compelled to publicly explain our views and our recommendations.

Two Routes to County Reform – Statute and Charter

As background, it is important to distinguish between statutory and charter governments under Ohio law. Cuyahoga County operates under a statutory structure and if it retains or modifies that structure, it will remain a creature of the State. Commissioners will be implementing State law. In contrast, if the citizens of Cuyahoga County were to initiate (by petition of 10% of the voters in the last Gubernatorial election) and then enact a County Charter, the County would be more independent, similar to charter cities in Ohio. The County would have the power to exercise governmental powers so long as they did not conflict with State law.

Our Commission explored the differences between statutory and charter government. We recognized, however, that our charge from the State of Ohio was to recommend statutory reforms. We also recognized that while past studies had urged a charter form of government, those proposals all failed. We were determined to succeed this time because the need for reform is so great. Thus, we approached our task in a spirit of practicality and with respect for differences of viewpoint. We encouraged enough compromise to achieve broad consensus. We aimed for a reform package that would deliver dramatic improvement but still be relatively easy to understand and explain. Even among those who supported this recommendation, there were preferences unmet and desires not incorporated. Two members found much to commend the final plan but not enough to support it. Our analysis and deliberations taught us that there is no structure for county government universally regarded as perfect, but we were unanimous in our conclusion that the current structure is so flawed that it should be reformed.

We urge the State of Ohio to approve our recommendations for streamlining Cuyahoga County government in the manner described below so that the voters can debate them and render the ultimate judgment.

The Structure of Cuyahoga County Government Undermines Our Community

Lack of transparency

Very few people understand County government. That is not surprising; County government is nearly opaque because its structure is so complicated. Its workings are veiled by 200 years of patchwork modifications that are ill-suited for the needs of the 21st century. This sheer complexity is a major motive behind our recommendations; County government should be streamlined so that citizens can better understand it and hold it accountable. But when you penetrate the thicket of the county's structure, as we have, many other failings become apparent.

Lack of budgetary and administrative control

The County has substantial authority but it is spread across 11 separately elected offices. Eight elected administrative officials operate with virtual autonomy. In practice, they each run their own hiring operations and effectively set their own budgets. Three County Commissioners have far less budget and administrative control than good governance demands. The commissioners are unable to establish countywide priorities and performance standards, and they lack enough centralized authority to offer an effective voice on major issues. At a time when our community needs every public and private organization to maximize its effectiveness to help rebuild our economy, our County government is far less capable than we need it to be.

The needs in our county are great. County government must be nimble and effective. The County's leaders must have true ability to assess challenges, establish

program priorities and then allocate dollars to reflect those priorities. That is the only way the County government can truly address the need we all see.

Lack of a clearly identifiable leader

Any city seeking to share services with the County or any business seeking to locate here must try to strike an agreement with three County Commissioners who have equal authority. The cumbersome nature of this arrangement deters such collaborative efforts. The Commissioners annually elects a President but the role is primarily ceremonial and does not significantly contribute to creating a focal point of leadership that works to the advantage of more agile and successful governments.

Waste of taxpayer dollars

The diffusion of power also means duplication of effort, inefficiency and waste of taxpayer dollars. Nearly all of the elected administrative officers have staff who separately perform basic functions such as human resources, public outreach, information technology and financial management. As one county office holder candidly admitted, hiring by the elected officials is a “free for all” because that is what the County’s structure allows. Another elected official estimated that tens of millions of dollars could be saved each year with significant structural reform. Many of the people of Cuyahoga County are desperately struggling with the transition from an old economy to a newer and more competitive one, and we cannot afford – and the taxpayers should not be asked to pay for – waste and inefficiency.

Recommendations to Streamline County Government

We recommend the continued election of a three-member Board of County Commissioners, elected at the same general election rather than in staggered terms. One of the three positions would be President of the Board with enhanced leadership authority. Candidates would run at large for one of the three positions.

The President would have legally designated authority to:

- Recommend the annual County budget
- Recommend appointment of the County Administrator and department directors
- Act as the County’s point of executive contact on transactions with external parties
- Recommend major transactions and
- Oversee and direct the County Administrator, who acts as chief operating officer

The Board of County Commissioners as a whole would have authority to:

- Approve the budget
- Approve appointments
- Approve major transactions and other decisions required by law

We recommend the continued election of the County Prosecutor and the County Sheriff. We recommend that the Civil Division on the Prosecutor's Office be transferred to the Board of County Commissioners and become the Department of Law, with a Law Director appointed by the Commissioners.

We recommend that the County Auditor, Recorder and Treasurer become part of a Department of Finance along with the Title Division of the Clerk of Courts and the Office of Budget and Management. The Finance Director should be appointed by the Board of County Commissioners. We further recommend that an Office of Internal Audit be created by statute within this Department of Finance. The Department should be organized into appropriate divisions separating functions to preserve checks and balances.

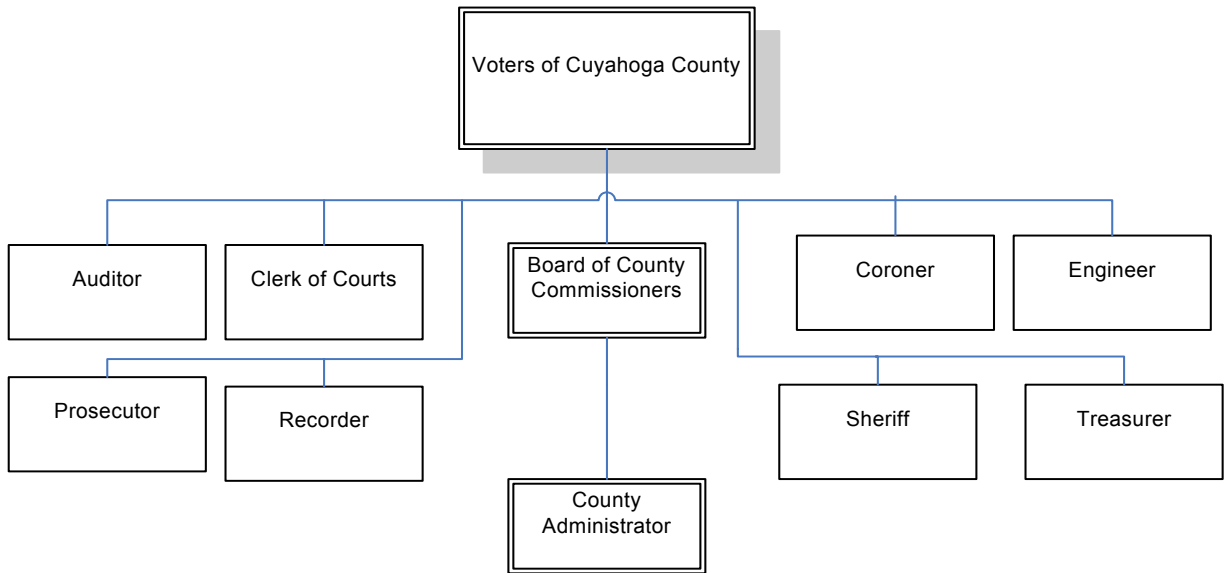
We recommend that the Clerk of Courts become a position appointed by the Court of Common Pleas, except the Title Division, which would be transferred to the Department of Finance.

We recommend that the County Coroner become the Medical Examiner, licensed as a forensic pathologist, appointed by the Board of County Commissioners.

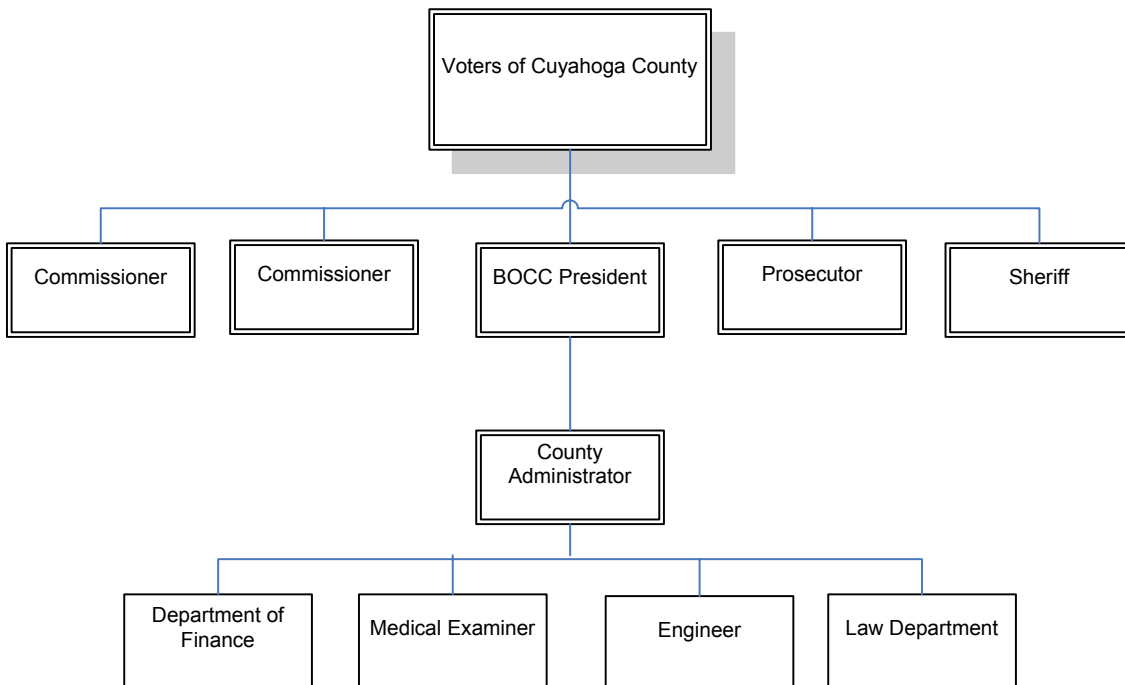
We recommend that the County Engineer become a position appointed by the Board of County Commissioners, with specified professional qualifications.

These recommended changes can be visualized by comparing the current and proposed organizational charts:

Current Structure



Proposed Structure*



*This organizational chart illustrates primarily the proposed arrangement of offices that currently are headed by elected officials. Many other County departments are not depicted.

To enhance a close connection with residents, we further recommend making the County Ombudsman a statutorily mandated position. The Ombudsman would help residents find their way through the system of County services and it would help to ensure that County offices are meeting the needs of the public.

We recommend including a statutory obligation for a Human Resource Commission to set appropriate standards and requirements for County employment, especially for department head positions. The Commission should be made up of three members recommended by the President and appointed by the Board of County Commissioners. The members must be individuals who are experienced in personnel matters and committed to equal employment opportunity.

We further recommend that the State of Ohio create a panel to review and recommend changes to the array of Boards and Commissioners to which the County makes appointments. These Boards and Commissions comprise an influential but largely invisible part of local government. They need to be better coordinated with County functions – for reasons of efficiency, effectiveness and clarity.

Streamlining Saves Millions, Helps Advance Our Economy and Promotes Fairness

Enhanced effectiveness and efficiency

Streamlining Cuyahoga County government would make it far more efficient by eliminating unnecessary elective offices and by giving leadership authority to the President of the Board of County Commissioners. The duplication and waste that occurs in the current diffused structure would be dramatically reduced. Millions of dollars could be saved each year. Consequently, we feel strongly that it will be a major improvement to transform six elected offices – with a total of more than 1,000 employees and budgets exceeding \$110 million – into appointed positions. We did not recommend converting the Prosecutor and Sheriff to appointed positions despite the potential for efficiency gains because their roles are essential to the administration of justice. On balance, we agreed that these officials merited independence from a central elected appointing authority and would better serve the people by being directly elected.

Electing a top leader every four years

Streamlining County government as we recommend would make it far more effective because it would create focused leadership capacity and a “go to” President on major actions requiring the County’s participation. It would centralize meaningful control over the budget and administration and it would allow the County to set priorities and stick to them. This is particularly important since our community needs the County to be a more effective leader on regional issues, especially economic issues. A Board of County Commissioners led by a “strong President” would be a nimble and effective actor in this arena that demands collaboration across political boundaries.

Improving public confidence and fairness

A lean and efficient government would encourage confidence in the County. But confidence in government is a product of many factors, including the breadth of its representation. Ours is a diverse community and County government at all levels should reflect the people it represents. Recently minorities have been more successful in countywide elections than ever before and we are heartened by this trend. Considerations of fairness and how a change in County structure would affect the opportunities of minorities to win elected office were the subject of much deliberation by our Commission. The outcome of recent elections played a key role in persuading us that countywide elections should be retained – with resulting benefits for regional problem solving – without resorting to a structure that divides Cuyahoga County into districts. Concern was expressed that one new minority office holder would be the last elected County Recorder under these recommendations. But in the final analysis, the benefits to all County citizens, especially disadvantaged citizens who will be among the primary beneficiaries of a more efficient and effective County structure, outweighed the value of retaining an elected office that would be more suitably filled by appointment.

Accountable and transparent leadership

The proposed “strong President” form of County government would be far more accountable to the public because it would be clear who initiates and who approves County actions. Citizens would be able to understand their government to a far greater degree because there would be fewer elected offices and because of the more logical organization of functions. Electing all three Commissioners at the same time would enhance accountability by giving the voters the opportunity to fairly assess both the Board of County Commissioners as a body and its individual members.

The powers vested in the President are sufficient to create a focal point of leadership for County government but yet are limited so that the other two Commissioners play meaningful roles in County governance. The President is designated as the leader with whom external and internal parties would primarily interact in order to shape proposals and policies. This improvement over the current structure allows the County to more quickly and efficiently arrive at plans for action. This will save time and money for the County and for external parties such as a business seeking to locate here. Yet, it is important to note that the President cannot, under this approach, strike a deal unilaterally. The Board of County Commissioners as a whole retains the final authority to take action.

The Question of Three Commissioners v. One Executive and a Council

We evaluated numerous alternative structures, especially the option of electing a single County Executive and a County Council. Some of our members felt that the “strong President” form would be more effective and efficient than an Executive and Council. Others felt it would better preserve minority opportunity for significant political

office. Still others supported the final recommendation as a compromise, recognizing that unanimity around any particular option is nearly impossible. We concluded that our recommendation contains an effective leadership arrangement combined with sufficient checks and balances in a County that is acting as an extension of the State, without home rule legislative powers. However, the absence of the traditional separation of executive and legislative powers was enough to cause dissent from our Commission's final recommendations. For most of our members, two factors were decisive on the separation of powers issue: (1) Designating a President with specified powers creates far more separation of powers than is currently in place and it enables voters to determine who proposes and who approves, and (2) Counties are extensions of State government without real legislative authority, and since the State operates under clear separation of powers, the principle is far less important in County government. Indeed, Ohio counties have operated for two centuries without it. For these reasons, we believe that this statutory structure strikes an innovative and effective balance among the many competing values and objectives that we considered.

If Cuyahoga County were to operate under a charter, many of our Commission's members would weigh some considerations differently because a charter would confer legislative powers on the County. In such a case, the separation of powers doctrine would persuade a majority of our members to urge the creation of a County Council and a County Executive. But our Commission's charge from the State was to recommend statutory changes and we have done so. Nevertheless, the clear majority of the Commission's members believe that a charter would ultimately be desirable because it would give our community greater local control and flexibility. Although the statutory reforms we are recommending would be a dramatic advance, we hope that a charter will be pursued at some point by an organized group of citizens.

The Path We Have Traveled and the Road Ahead

We learned much more about Cuyahoga County government than we could translate into reform recommendations because our mandate was to address the structure of the government rather than its management, priorities or budgeting. For instance, we noted the relative under-funding of the Public Defender compared to the County Prosecutor and we feel strongly that this disparity deserves greater attention by the County. We recognized the need for adequate funding for public accountability mechanisms we have recommended such as the Ombudsman and Office of Internal Audit. We are concerned about the expansive power of the courts to order the County to meet whatever they deem to be their budget needs. Even though these and other concerns surfaced in our deliberations, our recommendations necessarily address structure. Nevertheless, these concerns contribute to the urgency of the need for change. The current structure is so diffused and illogical that budget decisions in the best interests of the people are constantly eroded. That same overly complicated structure makes it impossible for the county's citizens to even see that this is happening. We now turn to the State of Ohio to help us solve these problems.

The State's leadership asked us to recommend reforms that could be put into the Ohio Revised Code as an option for the voters of Cuyahoga County to consider. We have met that charge. We ask the Ohio Legislature and the Governor to expeditiously adopt these recommendations so that our community can fully debate their merits. The many civic and economic challenges we face are well known. These reforms will help Cuyahoga County compete in a global economy. They will save taxpayer dollars. They will allow strong leaders to chart a clear course and then act. They dramatically improve accountability. They will strengthen a countywide, long-term perspective. They will protect fair representation and improve access for the public. They have a strong chance of approval by the voters.

Further improvements will always be needed. But we must start now. We hope all voters will enthusiastically support these reforms so that our community can set a fresh course toward a bright future. But first, the State must provide that opportunity and we strongly urge prompt action.

The Commission on Cuyahoga County Government Reform

David Abbott, chair
Former Congressman Louis Stokes, vice chair
Mayor Bruce Akers
Kathleen Barber
Mayor Jerry Hruby
Former State Representative Sally Conway Kilbane
Stanley Miller
Former Mayor Judy Rawson
Ernest Wilkerson

November 2008

Acknowledgements

The Commission was created by the State of Ohio in July 2008 and held its first meeting on July 25. Fulfilling the charge to make recommendations by November 7 would have been impossible without the contributions of many organizations and individuals and we express our appreciation to them for their efforts. These included all of those who have analyzed County government over many years and have previously recommended reforms. Among them, the work of several was especially helpful: The Citizens Committee for County Government Reform, the Greater Cleveland Bar Association, the League of Women Voters and Eugene Kramer.

Many people took the time to share their insights as formal testimony at one of our public hearings. Their views shaped our conclusions: Cuyahoga County Commissioners Timothy Hagan and Peter Lawson Jones, County Administrator James McCafferty, Director Alexandra Turk of the Office of Budget and Management, Janice Patterson and Lynda Mayer of the League of Women Voters, Joseph Roman, president of the Greater Cleveland Partnership; former County Administrators Jeri Chaikin, David Reines and Danny Williams; Steven Kaufman, former president of the Greater Cleveland Bar Association; Robert Jaquay, former executive director of the Citizens Committee for County Government Reform; County Ombudsman Charissa Prunty; Robyn Minter Smyers ; Eric Johnson; the County Auditors Association of Ohio; the County Engineers Association of Ohio; the County Recorders Association of Ohio, and the County Treasurers Association of Ohio.

We are grateful to all of the Cuyahoga County elected administrative officials who willingly were interviewed by committees of the Commission and generously shared their experiences and outlooks: Clerk of Courts Gerald Fuerst, Recorder Lillian Greene, Engineer Robert Klaiber, Prosecutor William Mason, Sheriff Gerald McFaul, Coroner Frank Miller, Treasurer Jim Rokakis, and Auditor Frank Russo.

James Corrigan, Government Relations Officer for Cuyahoga County, was a continuously helpful resource. We also were assisted willingly by the County Planning Commission, the National Association of Counties, and Chris Thompson of the Fund for Our Economic Future.

Quite a few citizens attended our meetings and some of them asked probing questions or shared their opinions. We appreciate their interest and their views. We wish that even more people would demonstrate the same sort of civic commitment.

Finally, Evelyn Burnett served as project manager of this concentrated assignment and she provided consistently effective leadership and service under challenging circumstances. Our recommendations would not have been achieved without her tireless effort.