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TRANSITION ADVISORY GROUP  
Boards and Commissions Workgroup  
Final Recommendations to Executive Committee  
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Methodology

Boards and Commissions, as originally envisioned by the Transition Advisory Group (TAG), needed to address the governance structures of the boards or commissions that the Board of County Commissioners (BoCC) either were appointed to by virtue of office or made appointments. The TAG understood some additional boards and commissions would not fit this criteria but resolving that would be the responsibility of the Workgroup.

*Phases*

Phase I required the Workgroup to identify the breadth and scope of the review process. In early February a survey was sent to known boards, commissions and advisory councils to determine interaction with county government. The survey asked for critical basic information such as mission statement, essential functions, statutory authority, appointing authority, current by-laws and board roster. Executive Directors/County staff identified additional boards and commissions with which they worked to ensure all were identified early.

The litmus test for inclusion in review was: 1) Board members may be appointed by the Board of County Commissioners (BoCC) or another County-wide elected office that ceases to exist on January 1, 2011; 2) board members may be the actual elected officials; or 3) the board or commission may have some significant, and usually statutorily defined, interaction with an elected office that ceases to exist on January 1, 2011. In some instances mischaracterized or unclear information caused committees to be reviewed that were more internal working groups within the day-to-day operations of an agency. However, when all tolled, the number of boards, commissions and advisory councils reached 100.

The TAG made it clear from the beginning this would be an open, inclusive, transparent public process. Volunteers were solicited through the Transition/Charter webpage hosted on the County's website. Interested parties were invited to select which of the workgroup areas best suited their interests and expertise. Through volunteer registration, the Workgroup had more than 165 interested. Given the breadth of boards/commissions/advisory councils that needed to be reviewed, the Co-chairs needed to identify which volunteers were available and where their interests lay. Also in February a survey was sent to the volunteers to interests, experience, and potential conflicts of interest.

Using the surveys, the volunteers were assigned by interests into one of four categories (subcommittees): Finance and Administration, Health and Human Services, Infrastructure and Development or Justice and Safety. The four subcommittees each held multiple public meetings from March 5th – May 11th to identify the best strategy for reviewing their assigned boards/commissions/advisory councils. Through the subcommittees, volunteers gathered pertinent

organizational information and made at least one recommendation for each board/commission. Major highlights from Phase I will be addressed below in General Framework.

Once Phase I was complete, the Workgroup shifted into Phase II - Overarching goals. Here, the Workgroup needed to address and remedy some of the common themes and common misnomers about boards and commissions. In multiple whole workgroup sessions, the appointment process was discussed. Again, major highlights from Phase II will be addressed below in General Framework.

Under the initial Workgroup Project Plan developed in January, the third and final phase would have been a thirty day public comment period for reaction to the recommendations. As the research evolved in all the workgroups, it was no longer feasible. In addition, the inclusion of volunteers and their intense, poignant labor provided a well-round perspective on what ought happen with each board/commission/advisory council and in the overarching goals.

Evolving out of needs identified later in the process, the Workgroup also added collaboration between workgroups and legal review to ensure that recommendations either dovetailed nicely or were vetted in the event of disagreement. Lastly, the four Commissions specifically discussed in the Charter were reviewed within the Workgroups, but then again by co-chairs to ensure compliance with the Charter even when it was incongruent with overarching recommendations for all boards/commissions/advisory councils.

#### Boards and Commissions called for by the Charter

Excerpt from the Charter of Cuyahoga County. The Charter may be viewed in its entirety at <http://charter.cuyahogacounty.us/en-US/charter.aspx>

#### ARTICLE VI--BOARDS AND COMMISSIONS

##### SECTION 6.01 BUDGET COMMISSION.

The Budget Commission shall consist of the County Executive, the Fiscal Officer and the Prosecuting Attorney. 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 as prescribed by general law.

##### SECTION 6.02 BOARD OF REVISION.

There shall be one or more Boards of Revision, each consisting of three electors of the County. Two members of each board, who shall not be of the same political party, shall be appointed by the Council, and one member shall be appointed by the County Executive, each for a term of three years. Each Board of Revision shall exercise all duties of a county board of revision as prescribed by general law. The Council may provide for compensation for members of a Board of Revision.

##### SECTION 6.03 OTHER BOARDS AND COMMISSIONS.

Any board or commission of the County and any joint board or commission in which the County is a participant that is 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 6.04 SPECIAL BOARDS AND COMMISSIONS.

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

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#### SECTION 7.04 ECONOMIC DEVELOPMENT COMMISSION.

There shall be an Economic Development Commission the members of which shall be selected and qualified as follows: One member shall be selected by each of the following: the County Executive; the Council; the mayor of the city of Cleveland; the Cleveland-Cuyahoga Port Authority; the Cuyahoga County Mayors and Managers Association, the Greater Cleveland Partnership, or their respective successors; the Executive Secretary of the North Shore Federation of Labor, or similar officer of a successor organization. One member shall be selected collectively by the nonprofit and educational organizations that are engaged in the promotion of economic development of the County, as shall be designated by the Council. Those members shall select one additional member.

Membership on the Economic Development Commission shall not constitute the holding of office or employment with the County. The members shall serve without compensation, but may be reimbursed for reasonable and necessary expenses incurred in the performance of their duties. Any vacancy in the membership of the Economic Development Commission shall be filled in the same manner as that of the person whose position has been vacated.

The Economic Development Commission shall adopt its own rules and bylaws for its organization and procedures. It shall meet at least quarterly and shall be provided with such facilities and staff assistance as shall be necessary for the Economic Development Council to carry out its duties. The County Executive and the Director of Development shall keep the Economic Development Commission informed of current and anticipated economic development activities and opportunities, except as necessary to preserve confidentiality of such matters as business plans and trade secrets of private parties.

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#### SECTION 9.01 HUMAN RESOURCE COMMISSION.

The County Executive, subject to confirmation by the Council, shall appoint the members of a Human Resource Commission, consisting of three electors of the County having experience in personnel matters or personnel administration and who are supportive of equal opportunity considerations. No more than two of the three members of the Human Resource Commission shall be members of the same political party. The Human Resource Commission shall be responsible for administering, for and in cooperation with the officers, agencies, boards and commissions of the County, an efficient and economical system for

the employment of persons in the public service of the County according to merit and fitness. The County's human resources policies and systems, including ethics policies for County employees, shall be established by ordinance and shall be administered in such manner as will eliminate unnecessary expense and duplication of effort, while ensuring that persons will be employed in the public service without discrimination on the basis of race, color, religion, sex, national origin, sexual orientation, disability, age or ancestry.

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

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

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

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

#### General framework for Boards/Commissions/Advisory Councils not identified in Charter

In general, nearly all of the boards/commissions/advisory council appointments are made by the Board of County Commissioners (BoCC). In the absence of this body, the Charter holds that the County Executive ought to make appointments subject to County Council confirmation or rejection within thirty days. The Charter charges both Council and Executive with making good faith efforts to ensure diversity.

A fair number of boards and commissions have elected officials serving by virtue of their office as identified in the Ohio Revised Code (ORC). Legal counsel opined that the Charter vests now-appointed positions (formerly-elected officials) with the same powers and duties to serve on the same boards and commissions, without further action required. The Workgroup recommends transparency and that formal action should be taken by County Executive and Council. A notable exception is when the board or commission is comprised of independently elected officials as opposed to appointed staff.

Recognizing that under the consolidated structure the County Executive has the potential to control through supervision more than one appointment per board or commission, it is imperative that appointees be familiar with the original purpose for the appointment. For example, several boards have an appointment by the BoCC to represent the administrative interests of the County and by the Sheriff to represent the law enforcement interests of the County. Under the new structure, the two appointments may be viewed as duplicative, and the boards/commissions/advisory councils could amend their respective by-laws to reduce the number of representatives accordingly. That action

may prove unnecessary so long as the County Executive/County Council make appointments congruent with original purpose and in keeping with the above opinion. One caveat to note is that the workgroups are producing recommendations independent of other workgroups and may be incompatible with the appointment recommendations.

The Workgroup holds that this general framework for the appointment process solves the technical question, which is responsible for making the appointment. However, it ignores broader public concerns. Whether accurate or not, perception holds that all the boards and commissions are “filled with political hacks” and are “plum assignments”.

To address real and perceived issues, the workgroup developed overarching recommendations that should be applied to all boards/commissions/advisory councils universally. From an ethical vantage point, the suggestion was advanced that certain boards ought to be held to a higher standard as those boards had a greater responsibility or role in setting public policy. As a workgroup, the idea is rejected. All must be held to the same high standard in order to ensure the public good. In terms of ethics, a specialized workgroup was added to define a code of ethics policy and sign-off for implementation throughout the County, including boards/commissions/advisory councils. The Workgroup recognizes that a potential conflict of interest should not bar an individual from an appointment, so long as it is fully disclosed and vetted by the Executive.

Systemic Goals for all Boards/Commissions/Advisory Councils  
Overarching Goals for all Boards/Commissions/Advisory Councils – Part 1 Appointment Process, Nominations, Vetting: credentials/conflicts of interest, Diversity, Training, Expectations/Autonomy

County needs to provide better, more up-to-date information regarding the B/C/ACs, including current board members, vacancies, credentials required, and expectations of board members. Approach: The website should be updated, reflecting more than just the BOCC appointed B/C/ACs and provide a uniform application, whereby an applicant must identify board of interest, requisite/related experience, and potential conflicts of interest. B/C/ACs with more sensitive needs or statutorily proscribed membership will participate, but restrictions will be noted.

Public perception yields current B/C/AC appointments are fraught with conflicts of interest. Approach: Conflicts of interest, real or perceived, must be disclosed during the application process, most succinctly with questions on uniform application. Each case must be examined individually prior to appointment and confirmation. A code of ethics is being developed by another workgroup and should be applied to all appointees.

County needs to be more proactive with appointments. Currently, nominations for appointments tend to originate from the agencies and boards themselves. Approach: Executive should assign staff to manage these processes. In 2007, the assigned staff was not replaced due to budget reductions. Staff should work with the Executive Director or Board Chair/equivalent to identify organizational needs for new board members, as well as credentials, conflicts of interest, diversity, and board-specific requirements. When in doubt, staff should review the mission, budget, by-laws, etc.

The Charter calls for the County Executive and Council to make good faith efforts to ensure diversity. Approach: Workgroup underscored that diversity includes both race and gender but also ought to

include age, geography, profession or expertise, when compared to the board/commission/advisory council as a whole.

Under the Charter, confirmation by the County Council only occurs for appointing board members. Approach: Workgroup draws attention to omission of checks and balances and recommends revisiting under Charter Review.

County does not require new board member orientation and does not provide much insight on county business for new board members. Approach: While it is incumbent on executive directors/board chairs to orient new board members, the County should at a minimum provide both organizational information about the county and a contact person within the Executive's office. More formal orientation or more frequent contact is beneficial, but may not be feasible given the number of appointees.

Overarching Goals for all Boards/Commissions/Advisory Councils – Part 2 Operational efficiencies, structures, potential savings

Departing from the stringent focus on governance, discussion centered on recommendations that could yield operational efficiencies.

An obvious step one is to reduce the sheer number of B/C/ACs. However, after reviewing the boards it becomes less clear. Each have a specific purpose, and while some are related due to subject matter that does not neatly translate into collapsing boards. A diminished role for citizens to serve may result. In addition, public perception is that these appointments are political appointees. Upon review the vast majority are not related to politics and with due diligence that can be preserved. As the workgroup's research shows, these boards were not created in a vacuum. They may have been mandated, permissible or perceived as a measure of good public policy. The attached spreadsheet identifies each board. That said, any advisory board or permissive board or commission can be eliminated by the County Executive and Council.

To be fair, the lion's share of these is advisory in nature and is not mandated outside of the current government structure. Incoming officials may elect to discontinue these advisory councils. Such a blanket response fails to take into consideration the role and function of the unique board or council. Advisory councils exist to provide input for directors, staff and the elected officials by specialized, passionate volunteers

One element that Workgroup members returned to repeatedly was that the majority of these boards/commissions/advisory councils were comprised of volunteers. Appointees to the various boards, often participate at their own cost, volunteering significant hours and their expertise to the civic good. Compensated boards are limited Board of Revision, NEORS, GCRTA, Veteran's Service Commission, the Cleveland-Cuyahoga County Port Authority and the Public Defender Commission.

Actually costs to manage the majority of the boards are absorbed through the respective agency's budget. Most commonly, staff time, mailing and meeting supplies and occasionally room rental were cited as costs associated with the actual boards/commissions/advisory councils.

Current coordination is haphazard. Depending upon the board, the board members, and any major decisions/issues, the BOCC may not have regular communication. Approach: By categorizing the B/C/ACs into subcommittees/clusters, natural alliances occur to both expedite inter-board communication and provide a designated point-of-contact in the form of an agency (director/manager) focused on the operational outcomes of the respective board. This could work in tandem with the staff assigned to process/vet vacancies. Note: As independently functioning agencies with checks and balances, oversight by a County official is not appropriate. However, establishing a working relationship is important.

The Infrastructure and Development Subcommittee further identified several multi-appointing authority boards/commissions that work in related fields but appear to have limited communication among appointees, each of whom were appointed to serve the County's best interests. Examples include Cuyahoga County Planning Commission, NOACA, Port Authority, Regional Sewer District, Solid Waste District and Soil and Water Conservation District. As the residents of Cuyahoga County voted on this new form of government, in theory, based upon the heightened profile of economic development and regionalism, the County Executive has the opportunity to initiate and lead conversations that will change how these organizations can interact and find new collaboration. Because these boards and commissions have multiple appointing authorities, the Workgroup has no jurisdiction to make recommendations outside of the County.

Several boards/commissions/advisory councils already rely upon the administrative supports provided by the Auditor, Treasurer, Sheriff, BoCC (OBM: Budget; Central Services: lease or ownership and maintenance of physical plant, bonding of officers, Print Shop, document management, etc.; OPD: public purchasing; HR: benefits, Worker's Compensation, personnel policies). Plus the BoCC has been moving toward a regionalization of health care, thereby allowing small government entities to leverage County buying power. Together with perhaps shared information services, operational savings can be achieved. In addition, the BoCC recently implemented a grants office to provide internal grant development support which includes sharing opportunities with relevant boards/commissions/advisory councils. Sharing this expertise or even just identification of grant opportunities could help the B/C/ACs.

#### Additional Boards/Commissions/Advisory Council Touch Points

Throughout the research phase, it became apparent that a large number of boards and commissions relied upon the County for more than just making appointments and establishing their respective existence. The Prosecutor's Office serves as the civil attorney of record for many boards and commissions ranging from the Planning Commission to MetroHealth to Board of Developmental Disabilities. With the advent of a Law Director under the Charter it remains unclear as to whether or not that office will be charged as legal counsel to the boards and commissions. Because the Charter does not address the matter, the Workgroup presumes the current structure remains.

Agencies that currently have a levy must work with the Auditor to set to the millage and with BoCC to set the language for the ballot. If the levy passes, the agencies also work with the Treasurer who collects the tax and provides for the Auditor to create a pay warrant to the agency for those taxes. Under the Charter, the Treasurer and Auditor functions will be addressed by the Fiscal Officer under the County Executive. The Executive must submit ballot legislation to the Council.

Many boards and commissions require bonds for their members. The BoCC through Central Services Risk Management Division currently provides that administrative service on bond policies already in place. Under the new form, wherever Risk Management is located it should continue to provide this service to the boards and commissions as it did for the BoCC.

As consolidation occurs under the Charter, the Workgroup recommends that, where possible, the Office of Human Resources act as the uniform human resource office for the separate boards and commissions. In many instances the employees of that agency are actually employees of that Board or Commission. While it is sometimes murky, this helps institute uniform treatment of employees with standard policies and procedures when, ultimately, the same appointing authorities are in place.

After the County Executive and County Council take action on boards/commissions/advisory councils, the Workgroup recommends that each board, commission or advisory council review its by-laws and update accordingly. While some have done so already, the Co-chairs have discouraged the practice and reminded the entity that it must remain flexible and may have to re-review and ratify additional changes to the by-laws.

#### Possible New Boards/Commissions/Advisory Councils

During the past year, several recommendations have been forwarded to various elected officials regarding creation of new boards, commissions, or advisory councils based upon either a perceived need for community engagement or as necessary under potential funding agreements. Given the current climate, both the Workgroup and County Administration were reticent to engage such commitments, knowing new leadership ought to be part of the creation process. These broader policy decisions are outside of the work group's scope.

Each of these recommended boards/commissions/advisory councils includes nuances specific to the business, structure, multiple appointing authorities, funding and regulation. Data, as available, is provided on Housing Trust Fund Board and Lake Erie Energy Development Corporation. In addition, the Coroner's Office is in the process of structuring an oversight Forensic Services Board. No data is provided.