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**Citizen Guide to
Cuyahoga County
Government**

Past, Present, Future

A publication of the
League of Women Voters
Cuyahoga Area
Education Fund, Inc.

2009

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LEAGUE OF WOMEN VOTERS®
CUYAHOGA AREA EDUCATION FUND, INC.

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What Makes Up Cuyahoga County?

Cuyahoga County includes 38 cities of more than 5,000 inhabitants each, 19 villages, and 2 townships. The 2000 census reported a population of 1,314,241 in the county, which covers an area of 458.49 square miles. There are 31 city, local, and exempted school districts and two joint vocational school districts. There are also at least 50 authorities, boards, commissions, and special districts, either advisory or policy-making; most of which have at least one member appointed by the three County Commissioners.

The Judicial system includes 14 municipal courts as well as the Court of Common Pleas and the Eighth District Court of Appeals. The Common Pleas Court spans the divisions of Domestic Relations, Probate, and Juvenile Justice.

In 1803 Ohio became the seventeenth state, and on January 16, 1810, the legislature established the separate County of Cuyahoga with Cleveland as its seat. The County's government structure has changed very little since that time, as the history on page 10 shows.

Cuyahoga County Characteristics

County Government Characteristics as defined by the Ohio Constitution and by Section 3 of the Ohio Revised Code (ORC) and scattered through hundreds of state statutes:

Ohio Counties in General:

A statutory county can do only what is permitted by state law. Eighty-seven of 88 Ohio counties are statutory; one, Summit, has adopted a county “home rule” charter.

The state does not grant “home rule” to counties. However, Article X of the Ohio Constitution does outline methods by which a county might choose to adopt a “home rule” charter with broad powers to do whatever is not prohibited by state law.

State law also grants statutory counties the option to adopt an alternative plan for county government, which would change structure but not grant “home rule” powers.

Cuyahoga County:

Cuyahoga is a statutory county with the traditional three-person Board of County Commissioners, co-equal, elected in even-numbered years for four-year overlapping terms. Salaries and duties are set by state statute.

The Board of County Commissioners (BOCC) is the main administrative channel between state law and county citizens. It has both executive and legislative functions.

The BOCC in Cuyahoga County appoints a County Administrator and deputies who oversee budgetary, personnel and management functions for all BOCC departments.

Eight more officials are separately elected to perform various administrative tasks: Auditor, Clerk of Courts, Coroner, Engineer, Prosecutor, Recorder, Sheriff, and Treasurer. Management of their offices is independent of the BOCC’s authority.

In Cuyahoga County 48 judges are separately elected to the Court of Common Pleas. Cuyahoga County is also home to the Eighth District Court of Appeals.

Over 50 independent authorities, boards, commissions, and special districts are appointed by, but not supervised by, a combination of County Commissioners and/or other officials.

County Commissioners: Responsibilities

The Board of County Commissioners (BOCC) is a political subdivision of the State of Ohio. “County Commissioners can perform those duties which are specifically authorized by the General Assembly and no more.”* Their responsibilities are spelled out in the Ohio Revised Code (ORC) § 305 and §307.

Their principal duties* are:

- taxing, budgeting, appropriating and purchasing
- holding title to county property
- hearing and ruling on annexations
- approving drainage improvements
- establishing water and sewer districts
- providing for solid waste disposal
- appointing department heads of the offices for which they are responsible
- appointing one or more members to most boards and commissions
- appointing a County Administrator, if desired, and delegating to that office certain authorized administrative tasks
- serving ex-officio on certain boards and commissions
- assuring that all other county offices and courts are properly funded

Many Boards of County Commissioners also promote public/private partnerships in human services, economic development, health and infrastructure development. Many are also active in improving environmental, job training and agricultural programs. A single County Commissioner may act only in concert with one or both BOCC colleagues.*

* *Handbook: Ohio County Commissioners. County Commissioners Association of Ohio.*
[www.ccao.org]

Other Elected Officials: Responsibilities

Eight “row officers” are elected, at large, for 4-year terms with duties and most qualifications set by state statute. Commissioners must approve each office’s annual budget, but they do not supervise personnel, expenses or operations.

- **Auditor:** chief fiscal officer of the county. Assesses real property for taxation, acts as chief accounting officer for approved expenditures, and enforces standards of weights and measures. The Auditor does not audit county books.
- **Clerk of Courts:** record keeper for the Courts of Common Pleas and Appeals. Issues specific titles, licenses, and naturalization papers.
- **Coroner:** a physician licensed in Ohio. Determines cause of death of every person who dies “in any suspicious or unusual manner.”
- **Engineer:** a registered professional engineer and surveyor. Prepares plans for, builds, and maintains county road systems, administers a county drainage system, and establishes real property boundaries.
- **Prosecuting Attorney:** the county’s chief legal officer. Investigates and prosecutes crimes. The Civil Division, however, gives legal counsel to the BOCC, independent offices, and other agencies of county or local governments.
- **Recorder:** records all deeds, mortgages, plats, liens, land contracts, and other papers relating to ownership, and collects fees for services rendered.
- **Sheriff:** chief law enforcement officer of the county. Serves writs and processes of the courts, holds auctions to collect delinquent taxes, and acts as custodian of Court Tower in the Justice Center and of the County Jail.
- **Treasurer:** custodian of all county funds. Collects taxes and disburses expenditures authorized by the BOCC.

Authorities, Boards, Commissions and Special Districts

- Boards account for a huge portion of county funding and governance. Most citizens use several of their services nearly every day, yet they constitute a nearly “invisible government”
- Although County Commissioners appoint one or more members of most of these 50+ boards, they are responsible for neither oversight nor coordination.
- Several have taxing authority, some charge considerable fees, and some get national, state or county funds. Each board runs its own agency independent of county government.
- Below is a partial list of boards that make policy or provide widely used services.
- A large, but still incomplete, list is on the county website:
www.bocc.cuyahogacounty.us/en-us/boards-commissions.aspx

Alcohol, Drug Addiction and Mental Health Services Board of Cuyahoga County

Board of Mental Retardation and Developmental Disabilities

Citizens of Cuyahoga County Ombudsman

Cleveland-Cuyahoga County Port Authority

Cleveland Metroparks

Council for Economic Opportunities of Greater Cleveland

Cuyahoga Arts & Culture District

Cuyahoga Community College Board of Trustees (Tri-C)

Cuyahoga County Board of Elections

Cuyahoga County Board of Health

Cuyahoga County Planning Commission

Cuyahoga County Public Library District

Cuyahoga County Solid Waste District

Cuyahoga Metropolitan Housing Authority (CMHA)

Cuyahoga Soil & Water Conservation District

Gateway Economic Development Corporation of Greater Cleveland

Greater Cleveland Regional Transit Authority (RTA)

MetroHealth Systems

Northeast Ohio Areawide Coordinating Agency (NOACA)

Northeast Ohio Regional Sewer District

Veterans' Service Commission

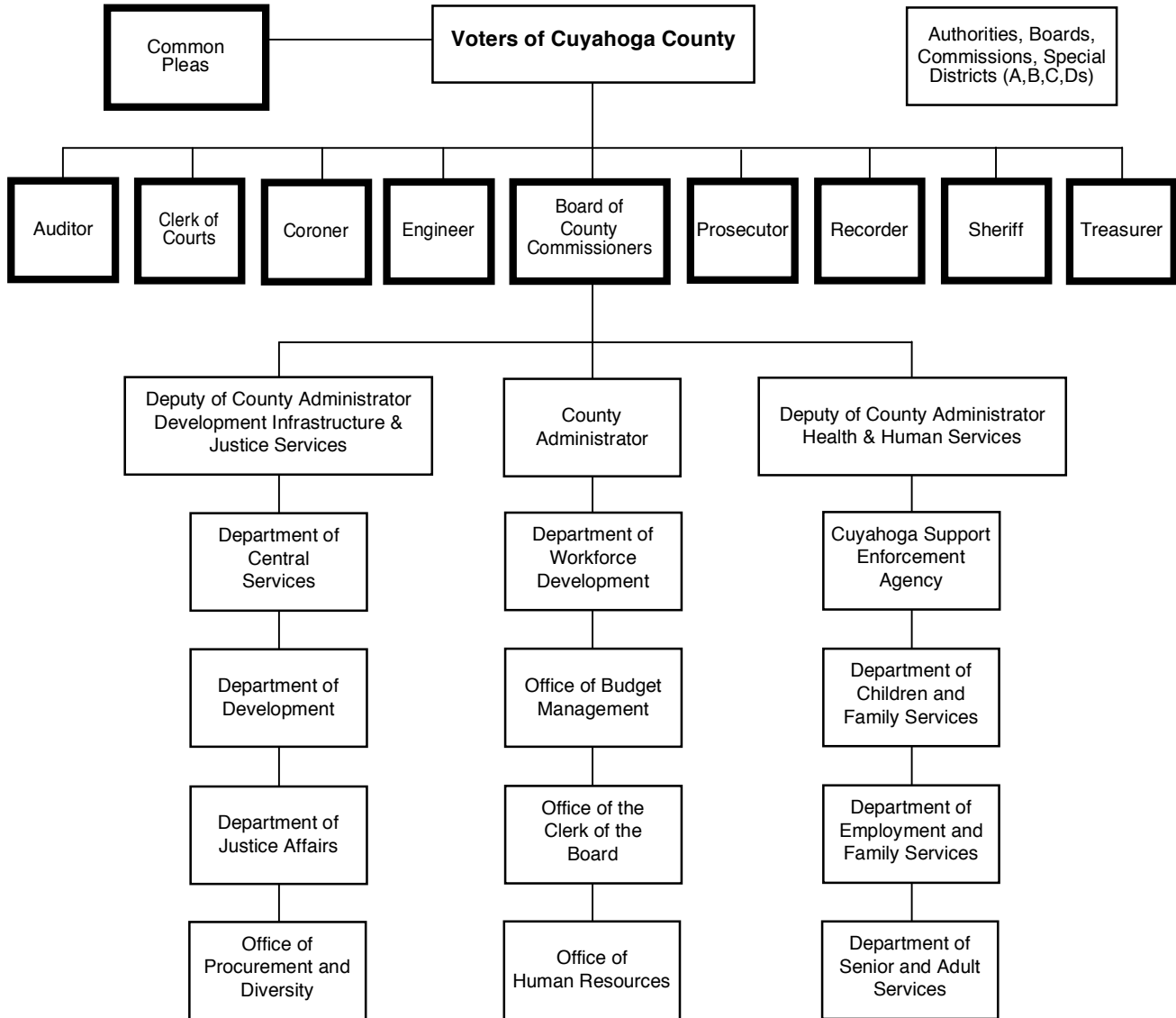
Changes in Ohio Law Regarding Counties

The word “county” is derived from “comtes” – 15th Century domains of French counts. The term was applied in England to their system of shires and eventually brought to America with the English colonists. Their purpose was to divide the state into sections through which the state could govern locally.

Although many inadequacies in the archaic form of county government have been observed, only a few constitutional and statutory changes have been made.

- 1933:** “Home Rule Amendment” to Ohio Constitution (now Article X) adopted via initiative petition after a 16-year effort. The amendment provided that a charter must be approved by four voter majorities-- in the county as a whole, in the largest city, outside the largest city, and by a majority in all the county’s municipalities and townships.
- 1952:** The optional position of County Administrator was created by the Legislature and adopted by Cuyahoga County Commissioners. This official is appointed by the BOCC and can act only at its direction. Although the Administrator has an executive role, there remains no separation of powers between executive and legislative functions.
- 1957:** An amendment to the Ohio Constitution by initiative petition eliminated the fourth-majority requirement for vote on a County Charter.
- 1961 & 1967:** The Ohio General Assembly enacted a provision for an Alternative Form of county government by petition of 10% of voters in the previous gubernatorial election. This was later eased by lowering the petition requirement to 3% and permitting two or three County Commissioners to place it on the ballot.
- 1978:** The Ohio Constitution was amended to permit an initiated county charter, which may be either “simple” or “strong.” (See charts, p.9)
- 2008:** The Ohio House passed one bill establishing a second Alternative Form, while the Senate passed a third option. The session expired before differences were reconciled.

Organization Chart of Cuyahoga County



KEY:

Elected

Appointed/Supervisory

Adapted from Cuyahoga County Website
www.cuyahogacounty.us/home/orgchart.asp

Options Available to Change County Government

	Alternative Form	Initiative Charter	Charter Commission
Triggering Mechanism	Resolution by BOCC OR Petition Signed By 3% of Electors	Petition Signed By 10% of Electors	Resolution by BOCC OR Petition Signed by 8% of Electors
Time Requirement	60 Days Prior to General Election	95 Days Prior to General Election	95 Days Prior to General Election
Drafting Process	BOCC or Petitioners Draft a plan Conforming to Chapter 302 of <u>Ohio Revised Code</u>	Petitioners draft a charter under authority of Article X, <u>Ohio Constitution</u>	<u>Two-step Process:</u> 1. Voters elect a 15-member Charter Commission at General Election, then 2. The Members draft a Charter which is submitted for a vote at next General Election, under authority of Article X, <u>Ohio Constitution</u>
Permitted Structures	Limited reorganization Elected Board of 3 to 21 members. Elected or Appointed County Executive Implied powers	A. SIMPLE Charter Flexible authority to structure offices, form, and powers; NO takeover of municipal functions. B. STRONG Charter Flexible authority to structure offices, form, and powers; can take over municipal functions.	A. SIMPLE Charter Flexible authority to structure offices, form, and powers; NO takeover of municipal functions. B. STRONG Charter Flexible authority to structure offices, form, and powers; can take over municipal functions.
Ballot Requirements	Countywide majority	For SIMPLE Charter, County-wide majority, For STRONG Charter, three majorities required: 1. Countywide 2. In largest municipality 3. In area outside largest municipality.	For SIMPLE Charter, County-wide majority, For STRONG Charter, three majorities required: 1. Countywide 2. In largest municipality 3. In area outside largest municipality.

Note: Ohio Constitution was amended 11/04/08 to lengthen time requirements only for STATE ballot issues.

History of Change Efforts in Cuyahoga County

1917-1932: Despite citizen pressure, the General Assembly refused in 1929, 1930 and 1931 to put a constitutional amendment on the ballot allowing county home rule. Civic groups finally succeeded in getting home rule on the ballot in 1933. Voters adopted it, but it required four majorities for a charter to pass.

1934-1936: The first 15-member Cuyahoga County Charter Commission was elected and a charter proposed, providing for a county manager, a county council elected by proportional representation, a reorganized departmental structure, and civil service. It was approved in the county as a whole and the city of Cleveland, but the Ohio Supreme Court invalidated the 1935 charter ruling that all four majorities were required.

1949: A second Cuyahoga County Charter Commission was elected, which proposed a charter providing for an elected county executive with power to appoint most department heads, a nine-member legislative council, abolition of several elective offices and transfer of several municipal functions to the county. It gained none of the required majorities.

1959: A County Charter Commission elected by a 65% majority drafted a charter which provided for an elected executive, a 19-member council, a Metropolitan government with exclusive powers concerning area wide services, gradual termination of many county offices and the commissioners, and many other changes. It met solid political opposition and failed to win any of three required majorities. (One required majority was eliminated by statewide referendum in 1957.)

1969, 1970: Following new state legislation, statutory alternative-form proposals were placed on the ballot both years. They provided for an elected county executive, a seven-member legislative body, tighter budgetary control, and clearer definition between administration and policy making. Both were defeated.

1977: A bill was proposed but defeated in the Ohio Senate mandating that all counties with over 200,000 residents have an elected executive-legislative form of government.

1979: After the Ohio Constitution was amended to permit “simple” and “initiative” charter adoption procedures, Summit County adopted Ohio’s first county charter.

1980: Cuyahoga County voters defeated a similar initiated county charter calling for a county executive with veto power, a nine-member county assembly elected from districts, retention of eight independently elected officials, initiative and referendum, and decennial redistricting.

1995: A Citizens Committee for County Government Reform was appointed by the County Commissioners to make recommendations for change. The resulting proposal for a home rule charter provided an elected executive, a seven-member council and the conversion of seven elected officials to appointed administrators. However, the BOCC took no action on the proposal.

2004: The Cleveland Bar Association, with Cleveland State University and the League of Women Voters Cuyahoga Area, undertook a year-long collaborative study of county governance strategies across the country. The final report recommended that countywide stakeholders convene to propose new governance strategies with countywide economic development as the key focus.

2008: The Ohio Legislature appointed a nine-member Commission for Cuyahoga County Government Reform, in response to reports of patronage abuse in the independently elected offices. It was charged with making a recommendation to the Legislature for a new alternative plan by November 2008. Months of hearings and deliberation resulted in a proposal for a three-commissioner system with one distinct president and for the conversion of seven elected officials into appointed department heads. The bill passed in the House but lost to a competing bill in the Senate. The session ended before a conference committee could reconcile differences.

2009: This litany is likely to continue until reform finally succeeds.

Inadequacies of Current Form of County Government

The 2008 Commission for Cuyahoga County Government Reform identified these flaws in the default structure of county government:

Invisibility. Public understanding about county government is incomplete and thwarted by “off-stage” planning and decision-making.

Inefficiency. The eight elected “row officers” hire and spend independently. The BOCC has little authority to set countywide standards and budget priorities.

Headlessness. Cities or companies who have business with the county must meet with three separate but equal commissioners. Ohio “Sunshine Law” provisions prevent two or three commissioners from talking together except at an open public meeting.

Diffusion. Authority is scattered, resulting in duplication and waste of public money. Commissioners manage and oversee their own departments but not those of the other independent officials. Each manages its own personnel, technology, and finances.

League of Women Voters observers and others also cite:

Imbalance. There is no separation of powers between executive and legislative functions as is built into federal, state, and city governments.

Limited Oversight. Approximately 50 authorities, boards, commissions, and special districts may be partially appointed but not overseen by Commissioners or their other appointers. Their combined budgets far exceed the county’s general fund.

Under-Representation. All officials are elected at large, so the viewpoints of diverse areas and constituencies may not be fully understood or represented.

Inflexibility. Without a charter, the county needs state legislation to authorize its every move.

Cities, Villages and Townships in Cuyahoga County

Cities in Cuyahoga County

Bay Village	Maple Heights
Beachwood	Mayfield Heights
Bedford	Middleburg Heights
Bedford Heights	North Olmsted
Berea	North Royalton
Brecksville	Olmsted Falls
Broadview Heights	Parma
Brooklyn	Parma Heights
Brook Park	Pepper Pike
Cleveland	Richmond Heights
Cleveland Heights	Rocky River
East Cleveland	Seven Hills
Euclid	Shaker Heights
Fairview Park	Solon
Garfield Heights	South Euclid
Highland Heights	Strongsville
Independence	University Heights
Lakewood	Warrensville Heights
Lyndhurst	Westlake

Villages in Cuyahoga County

Bentleyville	Mayfield Village
Bratenahl	Moreland Hills
Brooklyn Heights	Newburgh Heights
Chagrin Falls	North Randall
Cuyahoga Heights	Oakwood
Gates Mills	Orange Village
Glenwillow	Valley View
Highland Hills	Walton Hills
Hunting Valley	Woodmere Village
Linndale	

Townships in Cuyahoga County

Chagrin Falls
Olmsted

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The League of Women Voters, a nonpartisan political organization, encourages informed and active participation in government, works to increase understanding of major public policy issues, and influences public policy through education and advocacy. Any person of voting age, male or female, may become a League member.



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Lynda Mayer and Janice Patterson

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**50 Public Square Suite 938
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