



OHIO CONSTITUTIONAL MODERNIZATION COMMISSION

MINUTES OF THE ORGANIZATION AND ADMINISTRATION COMMITTEE

FOR THE MEETING HELD
THURSDAY, JULY 14, 2016

Call to Order:

Chair Mark Wagoner called the meeting of the Organization and Administration Committee to order at 12:44 p.m.

Members Present:

A quorum was not present with Chair Wagoner and committee members Brooks, Clyde, and Cole in attendance.

Approval of Minutes:

There being no quorum, the minutes of the September 10, 2015 meetings of the committee were not approved.

Presentations:

“Proposed Amendments to Rules of Procedure and Conduct”

Steven C. Hollon
Executive Director

Steven C. Hollon, executive director, presented to the committee regarding suggested changes to the organization of the standing committees of the Constitutional Modernization Commission.

First addressing the role and composition of the Coordinating Committee, Mr. Hollon described that the Coordinating Committee operates in many ways as the executive committee for the Commission. In addition to reviewing the reports and recommendations issued by each of the subject matter committees for form and completeness, the Coordinating Committee coordinates the study of the constitution by each subject matter committee, assigning additional provisions or topics of study, and providing input to the Commission co-chairs for the purpose of developing

agendas for Commission meetings. Mr. Hollon remarked that, because of these duties, the Coordinating Committee has met more often than any of the other standing committees.

Mr. Hollon noted there are eight members of the Coordinating Committee, representing each political party, including two senators and one representative, two subject matter committee chairs, and one subject matter committee vice-chair. Mr. Hollon suggested a possible reorganization of the Coordinating Committee that would increase its membership from eight to 12, and include the current chair and vice-chair, the two Commission co-chairs, a member of the Senate, a member of the House, and the committee chairs of each of the six subject matter committees. He said, if adopted, the new structure would add six new members and would drop off two members, would include an equal number of representatives from each political party, and include four legislative members. He said the benefit of this change would be to allow the Commission co-chairs and the committee chairs the opportunity to meet to develop the agenda for Commission meetings. He added that increasing the committee membership total from eight to 12 would increase the possibility of achieving a quorum for each meeting since the Commission co-chairs and committee chairs have an increased likelihood of attending meetings due to their responsibilities as Commission and committee leaders.

Continuing his presentation, Mr. Hollon turned to suggestions regarding the composition of the Organization and Administration Committee. He said that committee currently consists of an even number of members from each political party, with four from each party. It also has one senator as a member and two representatives as members, with three members from the public. Mr. Hollon suggested that, if his suggestion to reduce the number of standing committees from four to three is adopted, the Organization and Administration Committee might also be restructured to include ten members instead of eight, including the current chair and vice-chair, two members of the Senate, two members of the House, and four public members.

Mr. Hollon further suggested that the Public Information Committee be combined with the Liaisons with Public Offices Committee be combined into one committee known as the Public Information and Liaisons with Public Offices Committee. He said, currently, the Public Education and Information Committee consists of eight members, who are a chair and vice-chair, two members of the Senate, one member of the House, and three public members.

He said the Liaisons with Public Offices Committee consists of a chair and vice-chair, the commission co-chairs, a member of the House, and three public members.

Mr. Hollon observed that the breakdown of committee members on each of these committees is consistent with the other standing committees, with there being an equal number of members from each political party on each of the two committees, and each committee having an equal number of public members. He said there are also three legislative members on each committee, with one committee having two senators and one representative, and the other committee having one senator and two representatives.

Mr. Hollon noted that, since January 2014, the two committees have met jointly seven times, never meeting independently of one another in that time period. Thus, he said, for all intents and purposes, the two committees operate as one. He said because of this it might be feasible for the

two committees to be combined into one committee to be known as the Public Information and Liaisons with Public Offices Committee. He said that new committee's membership would include the current chairs of the separate committees – who would serve as co-chairs of the new combined committee – as well as two Senate members, two House members, and four public members. He said the combined membership of the current two separate committees totals sixteen, while the membership of the proposed new committee would consist of ten.

Mr. Hollon said reducing the number of standing committees from four to three would create an odd number of chair opportunities, which would create an imbalance between the parties. He said, to resolve that difficulty, the chairmanship of a new Public Information and Liaisons with Public Offices Committee could be exercised as a co-chairmanship. He said this arrangement reflects how the combined meetings of the committees have been conducted in the past, so the change would adopt past practice into formal status.

Mr. Hollon having concluded his presentation, committee member Doug Cole asked whether Mr. Hollon was recommending that any Commission member serve on two standing committees. Mr. Hollon said that would not be his suggestion, rather, every Commission member would have only one standing committee assignment.

Mr. Cole asked about the quorum requirement, wondering if there was any thought to reducing the size of the standing committee in order to reduce number for quorum. He also wondered whether changing standing committee composition to include Commission members who are local to Columbus might help with attendance.

Mr. Hollon said having the chairs of subject matter committees serve on the Coordinating Committee, which meets more frequently than the other standing committees, increases the likelihood of having a quorum.

Mr. Cole asked about whether the Commission is on a schedule where the subject matter committees meet every other month, causing some committee chairs to have to attend a Coordinating Committee meeting when their own committee meeting is not scheduled.

Mr. Hollon noted the full Commission does meet monthly, so there would be a reason to be there that day anyway. In addition, he said, the committee chairs also serve on another subject matter committee that may be meeting. So, he concluded, a situation would have to arise in which neither their other committee, nor the full Commission would be meeting in order for the committee chair to have only the Coordinating Committee meeting to attend.

In addition to discussing potential changes to the makeup of the standing committees, Mr. Hollon raised a potential change to the full Commission's quorum requirements. He said current rules require 21 of 32 members to be in attendance before the Commission can take any action. Thus, he said, the Commission cannot even approve the minutes if fewer than 21 members attend. He said the rules require that there be 22 votes for a recommendation to change the constitution, with just 17 votes needed to recommend a provision remain the same. He said some have suggested that the requirement of 21 to conduct any business is too high a number. He said, for example, Mr. Cole presented three reports and recommendations on behalf of the Finance,

Taxation, and Economic Development Committee in June. If there had not been at least 17 members there, Mr. Hollon said he is not sure that presentation could count as a formal presentation. He asked whether the committee would consider lowering that number from 21 to another number. He said he is not suggesting changing 22 as requirement for constitutional change, nor is he suggesting altering the requirement of 17 votes for no change to the constitution.

Committee member Paula Brooks asked about the practical effect of lowering the number to 17, because it would not affect taking any action to change the constitution but the Commission conceivably would continue to hear formal reports. She said that would move it along potentially, but she is just not sure why a change is needed. She said she looked at this question early on, and thought it was modeled after the rules of the Constitutional Revision Commission (1970s Commission). Mr. Hollon said previous discussions on this question predate his employment with the Commission.

Ms. Brooks asked whether the concern is about attendance, meaning that, if the number is reduced to 17 the new conversation will be the problem with not having at least 17 members attend.

Mr. Hollon said attendance has been at least 21 members every time.

Chair Wagoner observed the challenge is that the Commission must have open meetings, but members come from different areas of the state. So, he said, if 21 members do not attend, even if there is no vote scheduled everything is pushed back another month. He agreed that a simple majority for a quorum is good so long as voting requirements do not change. He said this would allow a more effective procedure. He said the current meeting is a case in point – since the committee does not have a quorum, it cannot take official action.

Mr. Hollon asked if the committee would allow him to bring this suggestion forward as a recommended change at the next full Commission meeting. He said the Organization and Administration Committee could meet first to approve the change, and then it could be presented to the full Commission.

Ms. Brooks asked whether the Commission has a meeting attendance requirement for membership. Mr. Wagoner said he does not think so, but that attendance data is shared during the reappointment process, and the co-chairs ask for that information.

Mr. Hollon read the rule regarding attendance, Rule 3.8, which states: “Unless otherwise provided by these Rules, a member of the Commission must be physically present at a meeting of the Commission in order to participate. A member shall not be permitted to name a designee to participate in a meeting of the Commission in place of the member.”

Chair Wagoner asked the committee if it had any concern with allowing Mr. Hollon to draft the suggested changes in order to be presented for a vote by the committee and then presented to the full Commission for its approval.

Representative Kathleen Clyde said she had no problems with these suggestions, which she said seem well thought-out. She said she does not anticipate any problem with getting them approved.

Mr. Hollon mentioned that the Commission co-chairs previewed the suggestions and said they were welcome to the ideas.

Senior Policy Advisor Steven H. Steinglass commented that the 1970s Commission rules provided that a majority is the quorum needed to do business.

Adjournment:

There being no further business to come before the committee, the meeting was adjourned at 1:05 p.m.

Approval:

The minutes of the July 14, 2016 meeting of the Organization and Administration Committee were approved at the September 8, 2016, 2016 meeting of the committee.

/s/ Mark Wagoner

Mark Wagoner, Chair

/s/ Edward L. Gilbert

Edward L. Gilbert, Vice-chair