



OHIO CONSTITUTIONAL MODERNIZATION COMMISSION

REVISED MINUTES OF THE ORGANIZATION AND ADMINISTRATION COMMITTEE

FOR THE MEETING HELD
THURSDAY, MAY 9, 2013

Call to Order:

Chair Richard Walinski called the meeting of the Organization and Administration Committee to order.

Members Present:

A quorum was present with Chair Walinski and committee members Brooks, Cafaro, Clyde, Cole, and Kurfess in attendance.

Approval of Minutes:

This being the first meeting of the committee, there were no minutes to approve.

Discussion:

Chair Walinski noted that the committee had been given the Commission's rules for final review. He added that the committee also was assigned budget and staffing, ethics and procedural rules, and replacement of members when necessary.

Chair Walinski indicated he wanted to update the full Commission on the above matters at the meeting later that day.

Budget

Chair Walinski noted that the House budgeted the Commission \$750,000 annually for a total biennial appropriation of \$1.5 million. Senator Capri Cafaro indicated that the budget could be out of the Senate by the first week of June.

Chair Walinski indicated he would like minutes to be detailed and cover topics discussed, remarks by members, suggestions, and responses.

Staffing

Chair Walinski said the committee should seek good candidates. He noted that the committee has two members, Paula Brooks and Charles Kurfess, who initially worked on the report on Budget and Staffing in a working group. Chair Walinski asked them to provide a summary of their recommendations.

Ms. Brooks said the Commission needs professionals, noting the structure of the 1970s Constitutional Revision Commission would be a good start, as that structure is fairly consistent with today's needs.

Mr. Kurfess said the Commission needs an administrative head, counsel, and staff counsel. He said, more important now than in the 1970s is a public relations person, public information officer, or public liaison. Sen. Cafaro suggested a communications director role.

Mr. Kurfess continued communications should be the Commission's priority, saying "We need to let the public know we exist and make ourselves available to hear from them." He said those three positions, a public information officer, an administrative head, and staff counsel, are a good start.

Chair Walinski asked for recommendations from others on staffing.

Mr. Kurfess said he had asked whether the Commission would need a fiscal officer, but that he and Ms. Brooks were told by the Legislative Service Commission that they do not do that for other commissions, such as the Retirement Study Council.

Chair Walinski asked if that would be different than the operations person/administrative head. Mr. Kurfess said no, not necessarily.

Ms. Brooks said it is imperative to get position descriptions written out.

Committee member Doug Cole asked if the Commission would have House and Senate staff available to assist, including assistance with technology and printers.

Sarah Cherry, House Minority Legal Counsel, said House and Senate staff will be somewhat available. She said she would check on technology.

Mr. Kurfess asked if Senior Policy Advisor Steven H. Steinglass, could work on those things.

Mr. Cole asked if the executive director would be a public employee and if there are posting requirements. He suggested moving quickly on that.

Mr. Walinski said he was not sure yet and suggested the committee should discuss it at the next meeting. He asked if the committee was clear on what it would report later that day. He asked if executive director, operations, and fiscal officer would all be in one position.

Mr. Kurfess said the committee should identify what the Commission needs, and who does what will shake out later. Ms. Brooks said Mr. Steinglass plans to spend time on drafting job descriptions.

Mr. Cole asked who would conduct the interviews.

Chair Walinski said the committee will oversee the search, noting that Commission counsel will be coordinating the research of the Commission which will be the bulk of the work. Chair Walinski said he does not have concerns about hiring counsel for the Commission, noting the days of the attorney general solely representing all state entities are long gone.

Sen. Cafaro asked if the positions will be full time. Mr. Kurfess and Ms. Brooks suggested full time with flexibility. Chair Walinski asked if the Commission should have full-time employees or just consultants. Sen. Cafaro said it depends on the context of the position, adding, if a consultant can be more cost-effective, the committee should consider it. She said some consultants can dedicate themselves to a client full-time.

Ms. Brooks said it goes back to job descriptions, adding that \$750,000 will go quickly.

Sen. Cafaro asked if the committee drafts those descriptions. Chair Walinski said yes, adding he hopes Mr. Steinglass will do this and suggest how to look for people.

Mr. Cole asked if the Commission needs an administrative assistant. Chair Walinski said the 1970s records show a series of people served in that capacity.

Mr. Kurfess said we need to set out procedure for filling the positions.

Representative Kathleen Clyde said the committee should do that sooner rather than later. She suggested having an agreement with the law schools, for example having formal agreements setting up one-year fellowships for new law graduates.

Mr. Cole mentioned the legislation clinic at the Ohio State University Moritz College of Law and the one-year transition program with local agencies. He noted that Dean Alan Michaels is always looking for opportunities. Mr. Cole mentioned unpaid externs or new graduates.

Ms. Brooks suggested that all law schools be included.

Mr. Walinski said the committee would have to be sure there was enough work to go around.

Sen. Cafaro said there are nine law schools in Ohio.

Mr. Kurfess noted that coordinating the law student/graduate help could be a full-time job. He recognizes the need for three to four staff plus an administrative assistant.

Record of the Commission

Chair Walinski asked how detailed the Commission's record would be. He observed that the rules now say that a record will be created. He wondered if there should be greater detail, and uniformity among the committees. He said if the committee is going to recommend detail and uniform procedures for making the record, it should be done very soon.

Sen. Cafaro said the approach to record-making should be uniform. She said discussions on changing the constitution are very important and should be videotaped. Mr. Cole said he has no objection but wondered if audio would be adequate. Sen. Cafaro said audio would be fine too.

Chair Walinski asked if audio or video would replace minutes. Sen. Cafaro said minutes would just be a general encapsulation summary. Chair Walinski noted that the 1970s record was very detailed. Sen. Cafaro suggested that was because shorthand use was prominent then and is not today.

Ms. Brooks said her county commissioner meetings are taped and the minutes are made from that tape. She added the video does not need to be retained after minutes are made.

Chair Walinski asked if the requirement to record video or audio should be reduced to a Commission rule. Sen. Cafaro said it should.

Mr. Cole wondered if the Commission might need more staff to record meetings.

Mr. Kurfess noted the need for equipment and that the public finds it disappointing when presentation equipment fails.

Mr. Cole asked what would be the purpose of having a complete audio transcript. She asked, "If there is significant cost, does it improve the product of the Commission that much?" Sen. Cafaro suggested cost would be minimal because of technological advances. She emphasized the importance of having a transcript. Ms. Brooks agreed that technology is very cheap these days. Mr. Cole agreed that technical tools are cheap but that staff time to operate it might not be.

Chair Walinski suggested the committee revisit this topic at the next committee meeting.

Chair Walinski asked Mr. Steinglass if he would draft job descriptions for:

- Operations Director, maybe called an Executive Director or Fiscal Officer;
- Counsel or Consultant who would oversee and manage myriad research topics;
- Communications Director/Public Information Officer or Technical Staffer

Chair Walinski said the committee needs drafts at its next meeting to refine those descriptions.

Rule Changes to Reflect New Committee Structure

Chair Walinski moved that the committee change the rules to reflect the six subject matter committees instead of the original eight. The motion carried with no objections.

Chair Walinski brought up whether the committee should have a requirement of non-partisanship reflected in the rules. He said that topic would be discussed at the next meeting. He said he will have proposed language ready, noting the need for a long meeting. He set the next meeting for Thursday, May 30, 2013.

Public Comment:

Peg Rosenfield, elections specialist for the League of Women Voters of Ohio, said she attended the 1970s Constitutional Revision Commission meetings. She suggested the Commission hire a highly-competent executive director like Ann M. Eriksson was in the 1970s, and let her hire everyone else.

Mr. Steinglass said it was important to have 21st century rules, such as allowing phone calls for short conversations between meetings.

Ms. Brooks mentioned there might be conflicts with Mr. Steinglass drafting position descriptions, noting the committee should be aware of that moving forward.

Adjournment:

There being no further business to come before the committee, the meeting was adjourned at 11:15 a.m.

Approval:

The minutes of the May 9, 2013 meeting of the Organization and Administration Committee were approved at the May 30, 2013 meeting of the committee.

/s/ Mark Wagoner _____

Mark Wagoner, Chair *for Richard Walinski*

/s/ Edward L. Gilbert _____

Edward L. Gilbert, Vice-chair *for Joseph Rugola*