



# CLEVELAND HEIGHTS

## Charter Review Commission

August 16, 2023

6:00 PM

**City Hall – Executive Conference Room**

### Minutes

**1) Call to Order**

Chair Linda Stiefsky called the meeting to order at 6:02 PM.

**2) Roll Call**

Present: Linda Stiefsky, Guy Thellian, Drew Herzig, Stephanie Morris, Graig Kluge, Harriet Applegate, and Graham Ball

Absent: Jonathan Ciesla and Roland Anglin

**3) Approval of Minutes of Prior Meeting**

a. Motion for approval?

b. Discussion, changes?

- i. Item 9 - adjust language from "Listed some places information will be collected from" to "Listed some individuals and"
- ii. Item 9 - Adjust HOA to Forrest Hills HOA
- iii. Item 9 - Add local business owners, merchants
- iv. Item 5 - strike "report" from "wrap up report"
- v. Item 7 - change "civil" to "civic"
- vi. Item 10 - Note that Vice Chair requested this accommodation
- vii. Item 10 - Chair will send out agenda and then solicit comments
- viii. Item 11 - Drew requested it be noted that he has suffered from OCD from his entire adult life and that this matter is of personal importance to him.
- ix. Should we include names in minutes for who said what?
  - a. Consensus that names will not be included unless requested or deemed relevant for action items.

b. Take vote

- a. Minutes adjustments approved unanimously

**Point of Order 1: Vote on procedure for passing motions: Votes will require a simple majority of CRC members when there is a quorum present.**

- CRC's intention is to achieve consensus wherever possible, but that may not always be possible. CRC does not want to be unduly delayed with disagreements.
- Motion to approve by Graham, seconded by Guy
  - Motion passed unanimously



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## **Point of Order 2: Discussion on communications operational plan**

- Q: Is it appropriate for Chair and Clerk to send one-way email communication to the entire commission as needed for the execution of their duties?
  - Consensus formed: Yes it is appropriate for agenda and minutes. Chair will inquire about other potential communication needs, including city email accounts for CRC members.

### **4) Advice on availability of documentation from prior CRC, including videos**

- a. Members referred to email sent to CRC members which included the website for the prior CRC.

### **5) Update on Consideration of Presenter(s) for Overview of City Charters and Charter Review Process**

#### **a. Progress so far - Roland**

1. Roland is still working on finding an overview presenter and generating a roster of Facilitator candidates.
2. Motion: CRC accepts Roland's report and thanks him for his diligence.
  - Motion by Drew, seconded by Graham
  - Unanimous approval.

#### **ii. Potential approaches to identifying a speaker**

#### **iii. Potential speakers**

#### **iv. Pros and cons of ad hoc selection vs picking a facilitator**

1. Time needed
2. Consistency in advice
3. Appropriate expertise

### **6) Consideration of Planning for Meeting (perhaps in a month or so) to Provide Information on CRC Process and Seek Input from Cleveland Heights Residents [repeat agenda item from prior meeting]**

- a. Prior CRC had overview presented by facilitator in a community meeting and separately
- b. Prior CRC hosted meeting for public concerning charters and charter review process.
  - i. Also included breakout tables to allow public to discuss potential topics for study by the CRC, with collection of suggestions for later reference
  - ii. We need some time to plan and schedule this kind of event. Possibly could hold this in late October, early November. Best to have it earlier in process rather than later.



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Open discussion on the matter of planning a meeting to provide information on CRC process and seek input from cleveland heights residents. Points listed below were raised by one or more members of the CRC.

- CRC may not be ready as a commission to solicit input from the public, as CRC is still figuring out how it will operate.
- January might be a good time for this, after the holidays.
- There may not much interest from the general public.
- CRC needs to determine what is for the charter and what is for city ordinance.
- It would be good to have a draft prepared for the public before the CRC seeks input.
  - To put recommendations on the ballot, CRC should have a recommendation prepared by June.
    - University Heights CRC completed their recommendations in less than a year by going line by line through their charter.
  - It would be good to gather input from the public before putting in the time to create a draft. Having specific topics in mind makes sense, but public comment should be solicited before having a lawyer review the draft for legal language.
    - Having carefully written language on these topics would prepare CRC for questions from the public, but that language should be written by CRC.
      - With such a broad number of potential solutions for issues at play, such as at-large vs wards, having too-specific language may be to the CRC's detriment.
  - The meeting could be an educational session regarding these issues, followed by public input.
    - Educating the public may be beyond the scope of CRC mandate.
    - The public may be in favor of some ideas in general, but would be unable to dig into the specifics.
    - CRC has to consider how long these take and how many meeting will be held. Education can take a long time.
  - CRC is not constrained by what is in the current charter, but can add items to the charter or change it entirely.
  - CRC may be going too deep onto the specifics while the details are hypothetical.
  - CRC could make a decision on these issues and provide our justification to the public. Council will then dig into the details, rather than the public.
    - If CRC has a 'Topic Meeting' CRC can state its recommendation, declare what it believes to the pros and cons of this, include CRC's rational for what it is recommending, and include resources for the public to become more informed.
    - University Heights CRC report referenced as good model for making the recommendations.
    - Decision does not have to be reached before soliciting public comment.
  - CRC can do multiple forums across different months, addressing topics as they arise.

Consensus: CRC should wait until it is more informed and more prepared before going to the public. More discussion needed to decide how to go about the public engagement.



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- 7) **Review Compilation of List of Charter Amendment Topics for Consideration (see LAS draft chart) – see Minutes**
  - a. **Any additions or edits?**
    - i. Make sure CRC reevaluate should be included in the charter and what should be passed by city ordinance before finalizing this list.
  
- 8) **Consider Needs for Advice, whether from Facilitator, Legal Counsel, other Expert(s)**
  - a. Q: What is the role of the Facilitator?
    - i. To tell CRC how what issues are within our purview.
    - ii. To help CRC when CRC doesn't know what it doesn't know.
  - b. CRC could ask City Council to hire a facilitator for specific expertise when issues come up.
    - i. Doing so would take far too long.
    - ii. CRC could find someone who is reasonably qualified to provide assistance across the board and they would be able to do the needed research for any issues that may arise.
  - c. Facilitator could defer to other experts when they are available.
  - d. Facilitator should be experienced with a mayoral form of government.
  - e. CRC should prepare a roster of candidates for the Facilitator position that will be presented to City Council with CRC's request for Facilitator.
    - i. Graig has volunteered to present this to City Council
  - f. All CRC members should keep an eye out for potential candidates for facilitator.

Consensus that CRC will wait for next meeting to vote on whether to have a facilitator, at which point CRC will hopefully have a roster of candidates ready for submission.

- 9) **Review Draft List of City Elected Officials or City Staff from Whom We Would Like Input – see Minutes**
  - a. **Any additions or edits?**
    - i. Request to add Safer Heights to the list.
  - b. This list is not closed.



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**10) Commence review of entire current Charter**

- a. Q: Should CRC go line by line or topic by topic?
  - i. There will be three documents to consider
    1. Current City Charter
    2. First Amended Charter from prior CRC
    3. Comparison of Sample City Charters Chart
  - ii. Points may be missed if not gone by line-by-line
  - iii. It will take a long time to go line-by-line.
  - iv. No consensus reached.
- b. Q: Has legal language become more accessible to the public since the 1970s?
  - i. There are schools of legal writing that strive to be more accessible
  - ii. Sometimes language is used because there is a particular meaning to it and caselaw which gives it that meaning where deviation would have unintended consequences.
- c. It may be best to review the documents side by side, projected on the screen. Projector access will be requested for next meeting.
- d. CRC does not have a “track changes” version of the First Amended Charter compared to the current charter, though the Chair has asked.

**11) Review of Meeting Action Items**

- a. Chair will request access to meeting room A/V system for next meeting.
- b. Chair will reiterate request for a “track changes” version of the charter.
- c. Chair will inquire about best practices for email communication in the case that Addie is out of the office.
- d. Chair will inquire about city email accounts for CRC members to conduct official communication.

**12) Review of Meeting for Lessons Learned**

- a. General appreciation for Linda’s work creating the Comparison of Sample City Charters Chart.
- b. Request to add an agenda option for public comment prior to adjournment, after the rest of the agenda has been addressed.
- c. Agreed that it would be acceptable for a CRC member to bring their baby to a meeting, so long as the baby is not too disruptive.

**13) Next Meeting: Wednesday, September 6 at 6 PM**

**14) Adjourn**

- a. Chair adjourns meeting at 7:57 PM.