



CLEVELAND HEIGHTS

Charter Review Commission

October 11, 2023

6:00 PM

City Hall – Executive Conference Room

Minutes

1) Call to Order

- a. Chair Linda calls meeting to order at 6:03PM

2) Roll Call

- a. Present: Guy Thellian, Linda Striefsky, Stephanie Morris, Jonathan Ciesla, Graham Ball, Roland Anglin, Drew Herzig, Harriet Applegate.
- b. Absent: Graig Kluge

3) Approval of Minutes of Prior Meeting

a. Minutes from 9.20.2023 Meeting

- i. Discussion
 - 1. Chance “Agenda” to “Minutes”
- ii. Motion to approve
 - 1. Motioned to approve by Roland, seconded by Guy.
 - 2. Unanimous approval.

b. Minutes from 10.4.2023 Meeting

- i. Discussion
 - 1. Add one abstention to 5) d. iii. 1.
- ii. Motion to approve
 - 1. Motioned by Jonathan, seconded by Linda.
 - 2. Motioned by Jonathan to approve amended minutes, seconded by Stephanie.

4) Review and Confirm or Amend Agenda

- a. Motioned to approve by Jonathan, seconded by Guy, unanimously approved.



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- 5) **Public Comments (Each speaker is limited to 3 minutes. Public comment at this point in the meeting is limited to a total of ten minutes; additional public comment time will be added to the end of the agenda if needed.)**
 - a. No public comment.
- 6) **Old Business**
 - a. **Tech and administrative support for CRC**
 - i. Jonathan has followed up with the mayor's office to get an answer one way or another.
 - b. **Update on rules for establishing subcommittee(s)**
 - i. Law Director has said that we can establish one, but it must comply with open meeting laws.
 - ii. To determine what the prior CRC's process was, with the Law Director's help, the Chair is reaching out to the prior CRC Chair.
 - iii. Discussion on desire to do a subcommittee
 1. Several members of the CRC have reversed their opinion about the subcommittee, considering the hassle of sunshine laws and the relative utility of a line-by-line review.
 2. If the CRC can use the prior CRC's language in places, that will also save labor.
 3. Law Director will seek clarification from Liz Rothenberg who was in the law department in 2019.
 - c. **Update on engaging facilitator**
 - i. Chair following up with Council President Hart on hiring for Facilitator.
 - d. **Chart of potential presenters to CRC and related topics**
 - i. CRC reviews the chart of potential speakers and chart of potential topics.
 1. Suggestion to add "Inappropriate use of power" to topic list.



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- a. There is currently no process for how to address abuses of power. Lakewood has a provision for this in their charter.
- 2. Suggestion to add "Comprehensive non-discrimination policy" to topic list.
 - a. University Heights' Charter has one.
 - b. Discussion on "protected classes", which is mentioned in the Charter but not explained.
 - c. There may be ordinances on these point, but it could still be worth enshrining in the charter.
- 3. How should CRC proceed with this information?
 - a. CRC will decide on the priority of topics.

e. **Review of poll results on presenter topics**

- i. CRC can give the interviewees a list of topics that CRC is considering, so that the interviewees can prepare remarks on the subjects if they so choose.
- ii. Determine which of the topics CRC needs to hear from interviewees on and which can be handled by the CRC independently.
- iii. Can view 'Most Important' and 'Important' on poll as essentially the same.
- iv. Topic review
 - 1. Combine 'Balance of Power' and 'Right of Inquiry'
 - 2. 'Overview of Charter vs Ordinance' covered by Facilitator.
 - 3. 'Gender Neutral Language' covered by prior CRC.
 - 4. Recall Process
 - 5. 'Ethics' could be considered under 'Balance of Power', but should probably not be put to the elected officials in their interviews.
 - a. An objective expert in ethics could be good to



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consult.

- b. CRC could just reference a charter like Lakewood's rather than bringing in a separate expert.
- c. Facilitator could compile these examples for review.

7) New Business:

a. Project plan for CRC

- i. Initial request from Council is to finish process by January 31st, 2024. This seems unattainable, but the draft explores what meeting this timeline might look like.
 - 1. Council has said that the 1/31/2024 can be extended, as deadline was initially put forward before the delay on appointing CRC.
 - 2. CRC should consider when the work needs to be concluded in order to put measures on the ballot.
- ii. Desire expressed to make progress on specific topics in each meeting.
- iii. University Heights Charter Plan reviewed one major area of concern in each meeting. They also had staff and legal counsel at each meeting, which was very helpful.
- iv. Motion to set new deadline to March 31st by Jonathan.
 - 1. Linda motions to amend motion, making deadline May 31st, seconded by Guy.
 - a. Discussion: Can the CRC keep to a project plan with a May 31st deadline? So far the CRC has failed to make much progress. With a May 31st deadline the CRC must be diligent.
 - b. Vote: 7 ayes, 1 nay.
- v. **Discussion of changing meeting schedule for November,**



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scheduling public input meeting and mapping CRC work to completion

1. Jonathan motions to postpone scheduling discussion to next meeting, seconded by Linda, unanimous approval.

b. Review of Charter amendments proposed by 2019 Cleveland Heights CRC report

i. PREAMBLE:

1. Add “Justice” to ‘Liberty and equality’ as this is a fundamental principal of government.
2. Remove “provides an outstanding quality of life through excellent municipal services” as it sounds too much like an advertisement to be in the charter.

ii. ARTICLE ONE:

1. Question for Facilitator or City Law Department: Is there language in this section that goes against a supreme court case?
2. Pending Facilitator or City Law Department confirmation, section approved.

iii. ARTICLE TWO:

1. 2.1: Check with Facilitator or City Law Department on this section.
2. 2.2: Should this section specifically refer to home rule? Is this the place for that? Check with Facilitator or City Law Department.

iv. ARTICLE THREE:

1. 3.1: Elections are said to be 'at large' which the CRC has indicated interest in examine.
 - a. Term limits could be discussed as well.
2. 3.2 No changes.
3. 3.3 What is “Moral turpitude”? Is there caselaw around this and should it be included? Check with Facilitator or



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City Law Department.

4. 3.4 Changes were made on this section in 2022, making the redlined version irrelevant. CRC will ask Mayor and Council if this change is working.
5. 3.5 Why does the Charter discuss salaries? To provide guidelines on a thorny political issues.
 - a. Civil Service Commission will be asked to comment on whether a salary update is needed.
 - b. CRC would like to ask Civil Service Commission, city council, and have Facilitator or City Law Department consult other cities' charters like Lakewood.
6. 3.6 Cut entirely as there is no City Manager
7. Concluding review due to time constraints before considering 3.7, which will be picked up next meeting.

c. **Consideration of presenters and issuance of invitations to presenters**

- i. Jonathan motions to table until the redline review is completed. Harriet seconded.
 1. Discussion: We may need more context about difficulties between the Mayor and City Council, beyond the words of the text.
 - a. Bringing the officials in to talk about specifically their difficulties may not be the best way to go about this.
 - b. Review of the redlined document can be concluded quickly.
 - c. City officials will hesitate to air grievances on the record, but may
 2. Vote: 7 ayes, 1 nay.

d. **Consider options for communication from the public to the CRC**



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other than attending/speaking at CRC meeting or future meeting
specifically for public input.

- i. Guy motions to table for next meeting, unanimous approval.

8) Review of Meeting Action Items

- a. Chair will reach out to Jack Newman to get clarification for how the prior CRC handled breaking out sections of the charter, reviewing it, and bringing the report to the CRC for approval.
- b. Vice Chair will follow up on the technical requests.
- c. Next meeting agenda will include another review session for the prior CRC's proposed charter.
- d. Chair will determine deadline to put measures on the ballot.
- e. Chair will revise the Work Plan.

9) Public Comments (10 minutes)

10) Review of Meeting for Lessons Learned

- a. CRC needs an advisor present in CRC meetings to answer legal and administrative questions in real time.
- b. Intentional inclusivity was a founding ideal of the CRC. Having materials available, printed out at meetings, is a part of inclusivity.
- c. Concern that the city has been unresponsive to CRC's requests. It makes the wrk the CRC has been tasked with much more difficult.
 - i. Clarification that Council has been responsive, but administrative response has been lacking.

11) Next Meeting: Wednesday, October 18 at 6 PM

12) Adjourn

- a. Meeting adjourned at 8:06 PM.