



CLEVELAND HEIGHTS

Charter Review Commission

November 1, 2023

6:00 PM

City Hall – Executive Conference Room

1) Call to Order

- a. Chair Linda calls meeting to order at 6:01 p.m.

2) Roll Call

- a. Members present: Harriet Applegate, Guy Thelian, Jonathan Ciesla, Stephanie Morris, Drew Herzig, Graig Kluge, and Linda Striefsky. Roland Anglin arrived at 6:16 PM.
- b. Members absent: Graham Ball.
- c. Staff present: Assistant Law Director Lee Crumrine.

3) Approval of Meeting Minutes

- a. **10.11.23 Meeting Minutes**
 - i. Discussion
 - 1. Amended to correct the spelling of Jonathan Ciesla's name;
 - ii. Motion to approve 10.11.2023 meeting minutes as amended by Jonathan Ciesla, seconded by Harriet Applegate. Approved unanimously.
- b. **10.18.23 Meeting Minutes**
 - i. Discussion
 - 1. Discussion whether items (6)(g) and (6)(h) were deferred to the subsequent meeting. Striefsky stated that she previously reported that she discussed the matter with Jack Newman who said that there were no subcommittees or working groups in 2019, but that the CRC worked with Assistant Law Director Elizabeth Rothenberg to draft the charter amendments. Minutes amended to reflect that item (6)(h) was deferred to the subsequent meeting.

2. Minutes amended to reflect that item (6)(c)(v) also included a question to legal counsel whether there is an ordinance providing for a Council President Pro Tem.
3. Minutes amended to reflect that item (6)(c)(viii) should “CRC should consult with CEM?”
4. Minutes amended to reflect that item (6)(c)(viii)(1) should read “Should the Charter establish a new department for Sustainability and Resiliency?” Minutes further amended to reflect that the CRC was advised that the Mayor has appointed a Sustainability and Resiliency Coordinator within the Mayor’s Office.
5. Minutes amended to reflect that item (6)(c)(viii)(1)(a) reads, “Is it more effective to have sustainability staff directly under the Mayor working across departments?”
6. Minutes amended to correct typographic error in item (6)(c)(x)(3) to read, “Could be a problematic consolidation of power for a Mayor who wanted to abuse it.”
7. Minutes amended to reflect in item (6)(e) that Jonathan Ciesla was going to circulate two versions of that poll. The first poll was conducted before the 10.11.2023 meeting but adding in Harriet Applegate’s responses, and the second one was the new poll with responses from everybody to update opinions. Jonathan Ciesla was also going to provide data aggregating the preferences for “most important” and “important.”
8. Minutes amended to reflect in item (6)(f)(iv) that there was a difference of opinion about the need for a public meeting. Some wanted it to be sooner and some wanted to proceed further on issues before meeting was scheduled, and the minutes should reflect the range of thoughts on that subject.
9. Minutes amended to reflect that item (6)(f)(iv)(2) reads, “Should CRC be soliciting input from public on issue like Ranked Choice Voting and Hybrid City Council Elections?”
10. Minutes amended to reflect that item (6)(f)(iv)(3) to change the spelling of minutia to “minutiae.”

- ii. Motion to approve 10.18.2023 meeting minutes as amended, made by Linda Striefsky, seconded by Drew Herzig. Approved unanimously.

4) Review and Confirm or Amend Agenda

- a. Jonathan Ciesla moved to amend the agenda to strike item 9 as duplicative, but subsequently withdrew the motion following discussion.

5) Public Comments

- a. No public comments.

6) Old Business

- a. Tech and administrative support for CRC. Update on email addresses, Law Department support, and use of City document storage for CRC work product
 - i. Assistant Law Director Lee Crumrine reported that he had worked on a solution regarding email, but it ultimately did not work. He stated in the interim that the city's email archive system would collect emails for public records purposes as long as he or Addie are cc'd on the email. CRC expressed concern that they do not want their personal email accounts subject to public records requests or litigation. Lee Crumrine will look into it further and report back.
- b. Update on engaging facilitator and City Council extension of CRC deadline for completion
 - i. Assistant Law Director Lee Crumrine will check on progress of legislation relative to choosing a facilitator.
- c. Continue review of charter amendments proposed by 2019 CRC report resuming at Article 8.1.
 - i. Article 8.1. Initiative. In subsection (a), they are using benchmark for the voting for a percentage of people who have voted in the most recent municipal election. It is not using the registered voters, which would be problematic. The language in Article 8 was modernized so that it is easier to understand how these processes work. Regarding subsection (c), CRC discussed the Charter's allowance for changes to ballot initiatives upon Council's review but not "sustentative" changes. The CRC discussed the meaning of "substantive." Linda Striefsky suggested to park this issue and look at samples to see what other charters have done on this point as to allowing any alterations once something has been proposed and submitted to council.
 - ii. Article 8.2. Referendum.

1. In Article 8.2(c), referendum would only apply to the first ordinance passed by council to pay for public improvements. The CRC discussed the purpose of this provision.
2. In Article 8.2(b), the only change the 2019 CRC was making was to put a deadline that if there was a petition for a referendum it is to be filed within 30 days after the ordinance was passed by Council. Previously there was no deadline, so they added a deadline. The CRC discussed the sufficiency of a 30-day deadline. Assistant Law Director Lee Crumrine will look into other charters to survey typical time periods. The CRC discussed the signature requirements for initiative, referendum, and recall and whether the percentages are appropriate in 8.1- 8.3. Other sample charters need to be checked on this.
3. In Article 8.2(e), it seems to open up door why is “or other measures” added. Following discussion, the CRC restored the language “necessary for the immediate preservation of the public peace, health or safety of the City” because it modifies “other measures.” Linda Striefsky noted that removal as to City Council is worded differently from the removal of the Mayor. These provisions need to be reviewed to reconcile the differences.

iii. Article 8.3. Recall

1. Regarding Article 8.3(a), the CRC discussed the limitation against a recall petition within the first 180 days of an elected official’s term, which is also used in South Euclid’s charter. The CRC discussed the intersection of this provision with Article 3.3 and Council’s power to expel any member. Parked for further research on typical provisions limiting the time period for recall petitions.
2. Regarding Article 8.3(d), the CRC discussed changing “of the official canvass of the election” to “upon the certified results of the recall election.” The CRC also discussed the distinction between “recall” and “removal.” The CRC submitted these questions to legal counsel for review.
3. 8.4 general provisions on the signed statement of the person circulating the petition ii should be deleted. Everyone’s voter registration will not be verified at the time the petition is signed. If that was the case there would

not be enough signatures. Verifying voter registration is not typical in order to get a petition signed. A person who signs the petition may not know the true knowledge of its content as it is done in good faith. The first 2 lines that have been struck should be restored.

iv. Article 8.4. General Provisions.

1. In Article 8.4(b), the CRC discussed the signed statement of circulated petition. Linda Striefsky suggested deleting (ii). It was suggested that the requirements only reference the “general laws of Ohio” rather than provide additional local requirements.
2. In Article 8.4(e), the 2019 CRC’s comments say they want to limit the number of supplemental petitions to one. If they do not have enough valid signatures, they would have one opportunity to cure it. Linda Striefsky suggested adding clarifying language that “only one supplement may be filed.”

v. Motion to discounting review of charter amendments proposed by 2019 CRC report and to postpone the agenda item until the next meeting, made by Drew Herzig, seconded by Stephanie Morris. Approved unanimously.

- d. Review of updated poll results on topics; consideration of presenters and issuance of invitations to presenters.
- i. Jonathan Ciesla provided copies of the second poll results. Harriet Applegate gave her responses to the first poll, and Jonathan Ciesla updated the poll results.
- e. Revised draft project plan for CRC.
- i. Assistant Law Director Lee Crumine confirmed that the City does not have a discussion board system for its employees.
 - ii. The CRC discussed their meeting schedule for December and decided to keep the dates as previously scheduled.
 - iii. The CRC discussed scheduling public input meeting and mapping CRC work to completion. The CRC discussed the need to find out who can do the education on the issues they feel will need the most education. Education programs can be provided to the public on the issues they feel are necessary, so if we meet with public, we can have an educational content in place in order to have productive discussions these issues. Options might include using speakers to introduce to the public the issues concerning ranked choice voting and/or making information available on the city’s website. Other options are Zoom meetings or other ways for people to ask questions or provide comments.

- iv. There was a suggestion to provide the public with a survey as a prelude to having a public meeting. We also need to consider accessibility because all of our residents do not have a smart phone or internet access. It also would be appropriate to issue a press release or press releases. The goal is to present in many different modes as possible.
 - v. The CRC discussed their approach to presenting recommendation, including whether to present an amended and revised charter or individual charter amendments.
 - vi. The CRC discussed their obligations under the Open Meetings Act.
 - vii. Linda Striefsky raised the issue of options that may be used by the public to submit comments to the CRC electronically and asked Assistant Law Director Lee Crumrine to discuss that issue with her further.
- 7) Motion made by Drew Herzig to postpone the remaining agenda items to the next meeting, seconded by Guy Thelian. Approved unanimously.
 - 8) Adjournment

Next Meeting: Wednesday, November 15 at 6 PM