



# CLEVELAND HEIGHTS

## Charter Review Commission

November 15, 2023

6:00 PM

City Hall – Executive Conference Room

### 1) Call to Order

- a. Chair Linda Striefsky calls meeting to order at 6:00 p.m.

### 2) Roll Call

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

### 3) Approval of Meeting Minutes

- a. **10.18.23 Meeting Minutes**
  - i. Discussion: None.
  - ii. Motion to approve 10.18.2023 meeting minutes as amended, made by Jonathan Ciesla, seconded by Roland Anglin. Approved unanimously.
- b. **11.1.23 Meeting Minutes**
  - i. Discussion
    - a. The CRC agreed to postpone consideration of approval of the 11.1.23 meeting minutes until the next meeting to allow commissioners to review them;
  - ii. Motion to postpone consideration of the approval of the 11.11.2023 meeting minutes as amended to the next meeting, made by Jonathan Ciesla, seconded by Graham Ball. Approved unanimously.

### 4) Review and Confirm or Amend Agenda

- a. Jonathan Ciesla moved to amend the agenda to switch the order of agenda items 6(d) and 6(c), seconded by Drew Herzig. Approved unanimously.

### 5) Public Comments

- a. No public comments.

## 6) Old Business

- a. Tech and administrative support for CRC.
  - i. Update on email addresses, Law Department support, and use of City document storage for CRC work product
    - 1. No updated from City staff regarding email addresses.
  - ii. Report on existing methods for public input available from the City.
    - 1. The CRC agreed to request that the City create an email address for the CRC for the submission of public comments, log and compile comments submitted, and post them to the CRC's webpage.
- b. Update on engaging facilitator and City Council extension of CRC deadline for completion
  - i. The City approved engaging Kevin Butler from McDonald Hopkins as a facilitator for the CRC. The engagement letter has not been signed yet.
  - ii. The CRC discussed requesting that Kevin Butler make a presentation of a general overview of charters and charter review commissions at the next meeting.
  - iii. Drew Herzig requested opportunity for individual members of the CRC to speak with the facilitator prior to the next meeting. Linda Striefsky asked whether any other members wanted to speak to the facilitator and noted anyone could do this.
- c. Review of updated poll results on presenter topics; consideration of presenters and issuance of initiation to presenters.
  - i. Jonathan Ciesla presented the results of the updated and revised poll results.
  - ii. The CRC discussed how to group or combine categories and topics for consideration.
  - iii. Linda Striefsky reported Guy Thellian's suggestion that the CRC identify items the CRC would propose to consider for Charter amendments, as opposed to items for other consideration by City Council, such as addressing them by ordinance.
  - iv. Drew Herzig noted the opportunity to combine language to add gender neutral text as well as modernizing language. He also noted that the charter does not now include the right of City Council to make inquiries of city administrators.
  - v. There was some discussion about using an ordinance to name Cleveland Heights as a "sanctuary city", as opposed to adding it to the charter. The rationale for an ordinance is that a charter designation is by nature difficult to change, and declaring the City a "sanctuary city" could have unforeseen negative consequences for

the City. Graham Ball would like to discuss with the facilitator whether it's suitable to include such a designation in the charter.

- vi. It was proposed, in reference to the grouping of issues on the poll, that separate amendment treatment may be preferred for each of (1) ranked choice voting, (2) election of City Council by wards or by a hybrid of wards and at large, (3) balance of power and adjustment to effect elected mayor, (4) clean up language, modernizing language and gender neutral language, (5) ethics, including conflict of interest and training. Further, it was proposed that the poll topics list be reduced by dropping (6) overview of charter versus ordinance.
  - vii. As to training, it was noted that City Council Clerk Balaster is planning orientation program for new City Council members, including rules on meeting conduct and procedural requirements.
  - viii. Questions were parked for the Facilitator as to whether a charter or ordinance was preferable for referendum and recall provisions, charter amendment provision, right of inquiry and sanctuary city.
  - ix. The CRC discussed training and ethics training for elected officials, such as determining what training programs are readily available.
  - x. The CRC discussed why University Heights included a non-discrimination provision in the charter instead of treating it with an ordinance. It was noted that a charter provision would not incorporate any enforcement mechanism. The University Heights charter declares that the City will not discriminate; it's not clear whether that creates a cause of action against the City.
  - xi. Harriet Applegate noted that residents seem to be concerned about how City Council vacancies are filled and about City Council's right of inquiry. These issues were parked for input from the Facilitator.
- d. Continue review of charter amendments proposed by 2019 CRC report resuming at Article 8.4(f).
- i. Article 8.4(f).
  - ii. Article 8.5.
    - 1. Linda Striefsky asked whether it's reasonable or appropriate to measure deadlines from when early voting start. For instance, should the deadline for sending official publicity in Article 8.5 and 8.6 be measured as a certain number of days before early voting starts?
    - 2. The CRC agreed that Article 8.5(a) should state that the conjunction between (1) and (2) should be "and" rather than "or" thereby requiring publicity by both newspaper publication and mailing. There also was a suggestion that publication also be on the City website.

- iii. Article 8.6. Statements in Support and Opposition. The CRC agreed that the committee to act on behalf of Council should be appointed by the President of Council, not by the Mayor. The current charter gives this appointment power to the Mayor, probably because in the prior version it was the then mayor, which was President of City Council. The CRC felt this text instead should have been amended in the 2019 ballot issue to grant the appointment to the President of City Council.
- iv. The CRC discussed the sufficiency of the 500-word limit in Article 8.6(b).
- v. Article 9. Linda Striefsky noted that the current charter reflects some changes made as part of the elected mayor ballot issue, but those changes are different in certain respects from the changes recommended by the 2019 CRC. There were changes to these provisions effective 2022. The CRC wants to have input from the Finance Department, the Mayor, and City Council regarding budget provisions, how they function in practice, and whether changes are needed.
- vi. The CRC discussed why financial audit provisions were in the charter. Input is needed from the Facilitator on this.
- vii. Article 10.
  - 1. Harriett Applegate suggested changing the second sentence of Article 10.1, specifically from “to make the City a desirable place to live” to “for the good of the city and its residents.”
  - 2. The CRC discussed the appropriateness of changing references to “citizens” to “residents” throughout the charter. The input of the Facilitator is needed on this.
  - 3. The CRC discussed the content of oaths of office and whether the charter should provide for the specific language. Assistant Law Director Crumrine noted that some oaths are in the Ohio Revised Code. Drew Herzig suggested that Article 10.2 should be clarified by changing “take and subscribe an oath or affirmation to” to “take and sign an oath or affirmation.”
  - 4. Jonathan Ciesla and Linda Striefsky suggested that Article 10(3)(d) of the 2019 recommended Charter should change references to City Manager to Mayor.
  - 5. The CRC agreed that ethics is a larger conversation for the CRC, so it was deferred for more discussion at a later meeting.
- e. Revised draft project plan for CRC. Linda Striefsky suggested that the CRC should make decisions about presenters to invite before taking any further action on the project plan.
- f. Consider options for communication from the public to the CRC other than attending/speaking at CRC meetings or future meetings specifically for public input. Linda Striefsky reiterating that she is hoping to have an update on this item before the next meeting.

- i. Drew Herzig would like the City to put a note in the City newsletter about submitting comments.

**7) New Business**

- a. None.

**8) Review of Meeting Action Items**

- a. Jonathan Ciesla will make a summary of the presenter topics based on the poll results.
- b. Harriet Applegate requested a copy of the 2019 ballot to be provided by Assistant Law Director Lee Crumrine.

**9) Public Comments**

- a. None.

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

- a. None.

**11) Adjourn**

- a. Motion to adjourn by Drew Herzig, seconded by Jonathan Ciesla. Approved unanimously.

Next meeting: Wednesday, December 6, at 6 PM.