



# CLEVELAND HEIGHTS

## Charter Review Commission

December 6, 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, Guy Thellian, Graham Ball, Roland Anglin, Stephanie Morris, Drew Herzig, Graig Kluge, and Linda Striefsky.
- b. Members absent: Jonathan Ciesla.
- c. Staff present: Assistant Law Director Lee Crumrine, Facilitator Kevin Butler.

**3) Approval of Minutes of Prior Meeting and Revised Minutes of November 1**

- a. The Chair indicated that she had suggested changes to the draft meeting minutes.
- b. By unanimous consent obtained by the Chair, the agenda was amended to postpone consideration of approval of the minutes of the prior meeting and the revised minutes of the November 1, 2023, meeting until later in the agenda.

**4) Review and Confirm or Amend Agenda**

- a. By unanimous consent obtained by the Chair, the agenda was amended to move up the Facilitator's introduction and presentation to proceed next.
- b. Guy Thellian raised the issue of discussing the City's providing a document repository for the CRC. The Chair indicated that the issue would be addressed under agenda item number 7(a) concerning "update on \* \* \* [the] use of City document storage for CRC work product."

**5) Introduction of Facilitator and his Presentation of Overview of Charter Review Process**

- a. The Chair introduced Kevin Butler who will serve as the CRC's Facilitator.
- b. Kevin Butler provided a brief introduction of himself and his qualifications, and each member of the CRC introduced themselves.
- c. Kevin Butler provided a presentation entitled, "The Charter Review Process and Best Practices: Facilitator's View of a Charter Commission's Work,"

which provided an overview of municipal charters, Home Rule, and the charter review process.

- d. The Facilitator suggested that the CRC focus on reviewing the existing charter rather than the work of the previous CRC. In response, the Chair explained the CRC's process and approach to date, including its efforts to fulfill City Council's charge that the CRC review and consider the prior CRC's recommendations.
- e. The Facilitator discussed with the CRC different approaches to the CRC's work and options for how to organization its final report, including whether to submit a draft amended and revised charter, individual charter amendment recommendations, or hybrid approach recently used by the City of Brooklyn's CRC. Drew Herzig asked the Facilitator about the risks involved in these different approaches, and the Facilitator responded that the risk is political, but noted that most charter amendments on the ballot pass. The CRC continued the discussion about the best approach to making their recommendations to City Council. Harriet Applegate expressed the importance of determining how best to present the CRC's recommendations to City Council, especially concerning major substantive changes like ranked choice voting and hybrid at large-ward council elections.
- f. In response to a question from Guy Thellian, the Facilitator discussed the politics surrounding the City of Lakewood's most recent CRC. Mr. Butler served as the Law Director of the City of Lakewood during Lakewood's 2014 charter review.
- g. The Facilitator provided answers to several of the questions that the CRC had raised for the Facilitator or the Law Department during previous meetings.
  - i. The Facilitator and the CRC discussed having ethics and training requirements for elected officials set forth in charter provisions and suggested that he and the Law Department can draft a proposal that tries to articulate the training and ethics requirements that the CRC wants to recommend. The Facilitator noted that Sunshine Law Training is mandated by the State. He cautioned against being too specific about training contents in the charter, as training needs will change over time. A better approach may be to specify number of hours, now to document completion of training, goals of training. Stephanie Morris noted that, if higher standards of training are expected, should the salary be higher? Linda Striefsky noted possible topics for training, such as Roberts Rules, City Council procedures, how to write legislation.
  - ii. The Facilitator provided his opinion that a charter should no longer regulate franchises, although he stated that he is not necessarily recommending that the CRC recommend removing those provisions.
  - iii. The Facilitator expressed that his role will be to harmonize any changes with the rest of the charter.

- iv. The Facilitator explained to the CRC why the charter would discuss salaries: to provide council guidance on how to pay its officeholders, including council members' salaries. He noted that Ohio ethics laws prohibit elected officials from increasing salaries effective in the elected official's term.
- v. The Facilitator explained the rationale behind the 30-day petition requirement for referenda, which is due to when legislation typically becomes effective.
- h. The CRC discussed whether or how often the Facilitator would be asked to attend future CRC meetings. The CRC decided to make that determination as needed as its work proceeded, and the Law Department offered to serve as an intermediary between the CRC and the Facilitator.

6) Public Comments - None

## 7) Old Business

- a. By unanimous consent obtained by Drew Herzig, item number 7(c) of the agenda was moved up to be considered following item number 7(a).
- b. **Tech and administrative support for CRC.**
  - i. **Update on email addresses, law department support and use of City document storage for CRC work product. Update on establishing city email address to which public may submit comments to CRC.**
  - ii. Regarding document storage, Assistant Law Director Lee Crumrine suggested using either Dropbox or Google Docs. The Chair indicated, and the CRC agreed, that the CRC could use Dropbox. Assistant Law Director Lee Crumrine stated that he will create a Dropbox folder for the CRC with all relevant documents for distribution to CRC members.
  - iii. Assistant Law Director Lee Crumrine informed the CRC that [crc@clevelandheights.gov](mailto:crc@clevelandheights.gov) is set up for use by the public to submit communications to the CRC. CRC members can see incoming messages.
  - iv. The Chair suggested that CRC members open separate email accounts for themselves to use for business related to the CRC.
- c. **Review of updated poll results on presenter topics; consideration of presenters and issuance of invitations to presenters.**
  - i. The Chair circulated and explained to the CRC a copy of the chart of potential presenters and a draft of a survey that the CRC might present to city officials.
  - ii. Harriett Applegate raised the issue of how to organize the sequence of presentations by elected officials or other presenters to the CRC. The Chair suggested that regarding issues for which the CRC has identified a need for input from certain elected officials, that the CRC hear from those elected officials first

before seeking out additional input from other presenters. Drew Herzig agreed that the draft survey is good for the current City Council and the Mayor, stated that they should be the CRC's first resource, and suggested that the CRC invite the Facilitator to be present at the interview of members of City Council and the Mayor. The Chair suggested that the CRC circulate the survey to elected officials followed by interviews like the previous CRC did.

- iii. The Chair suggested and the CRC discussed that the CRC would need additional meetings to complete such interviews and presentations. There also was some discussion of how to schedule the interviews: should elected officials present one by one or as a group. The Chair suggestions one at a time.
- iv. Stephanie Morris raised the issue of how to organize and compile the data received by the CRC in response to its survey. Guy Thellian offered to do the compilation and initial analysis of the responses from elected officials. Drew Herzig suggested that the survey be sent to Council President Hart in addition to those members of City Council in January 2024.
- v. CRC members agreed to provide comments regarding the survey at the next CRC meeting. Stephanie Morris indicated that she will submit her comments to the Chair because she is unable to attend the next meeting. Harriet Applegate suggested that the CRC finalize a survey at the next meeting and authorize the survey to be distributed to elected officials in order to permit presentations in January/February.
- vi. The Chair discussed how the CRC can proceed to invite elected officials to schedule interviews with the CRC. Stephanie Morris raised the issue of whether it would be appropriate to use virtual meetings, like Zoom, to conduct such interviews. This decision was deferred.
- vii. The Chair suggested that a Doodle poll would be sent to CRC members to select potential extra meeting dates in January and February. Once CRC input is received, another Doodle poll would be sent to elected officials in order to schedule their visits.

## **8) Public Comments**

- a. No public comments.

## **9) Approval of Minutes of Prior Meeting and Revised Minutes of November 1**

- a. The Chair indicated that she had suggested edits to the draft meeting minutes. The Chair presented some of those proposed edits to the minutes.
- b. By unanimous consent obtained by the Chair, this agenda item was postponed until the next meeting to give the Chair the opportunity to incorporate her proposed edits into the draft and re-circulate the proposed meeting minutes before the CRC votes on their approval.

**10) New Business**

- a. Harriett Applegate expressed gratitude to Guy Thellian for informing the members about a ranked choice voting presentation that three members of the CRC attended. Guy Thellian stated that the presentation was valuable and he learned so much about voting and elections in Ohio.

**11) Review of Meeting Action Items**

- a. Graham Ball reviewed meeting action items:
  - i. Distribution of reference materials regarding home rule, municipal home rule charters, charter reviews by the Facilitator and the Law Department to CRC members;
  - ii. CRC members will submit comments regarding the draft survey at the next CRC meeting.

**12) Adjourn**

- a. Motion to adjourn by Drew Herzog, seconded by Stephanie Morris. Approved unanimously.

Next meeting: Wednesday, December 20, at 6 PM.