



# CLEVELAND HEIGHTS

## Charter Review Commission

January 8, 2024

6:00 PM

**City Hall – Executive Conference Room**

**1) Call to Order**

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

**2) Roll Call**

- a. Members present: Jonathan Ciesla, Drew Herzig, Graig Kluge, Guy Thellian, Roland Anglin, and Linda Striefsky. Stephanie Morris arrived at approximately 6:10 P.M.
- b. Members absent: Harriet Applegate, Graham Ball.
  - i. Harriet Applegate and Graham Ball participated remotely via videoconference.
- c. Staff present: Assistant Law Director Lee Crumrine.

**3) Planning for the February 12, 2024, Meeting with the Public**

- a. Roland Anglin moved to amend the agenda to proceed with planning for the February 12, 2024, meeting with the public before Councilmember Gail Larson arrives for her interview scheduled at 6:30 PM. This motion was seconded by Graig Kluge. Approved unanimously.
- b. Chair distributed to the CRC and explained a draft agenda for the meeting with the public based on the format used for the 2018 CRC meeting with the public. Guy Thellian and Roland Anglin agreed that that approach and format would work well and has worked well for similar programs in their experience. Jonathan Ciesla asked whether each breakout table would cover one issue or multiple issues. Chair responded that each table will discuss the same issues. (A copy of the draft agenda is attached to these minutes.)

- c. Chair suggested that public discussion around detail-oriented issues may not be productive versus some of the larger issues like council vacancy appointments, how council is elected, and the balance of power between Council and the Mayor. Those broader issues will benefit most from table discussion. Drew Herzig asked whether a CRC member should be present at each breakout table. Chair said that the 2018 CRC members walked around from table to table during the meeting and that having a CRC member at each table may depend on how many people attend the meeting. Graig Kluge agreed that the discussion should be kept to general questions and not get into the weeds and that CRC members should circulate around the room during the discussion.
- d. Harriett Applegate stated that the meeting does not need to cover non-substantive changes like modernizing the charter language and revising to gender-neutral language. Drew Herzig suggested that the CRC just inform the public that general cleanup of charter language will be part of the CRC's review.
- e. Graham Ball preferred that breakout tables not be limited to only one issue. He asked if there could be a general questions and answers portion of the event to provide an opportunity for attendees to make comments to the CRC as a whole. Chair questioned whether there would be enough time during the meeting to have general public comments due to the Community Center's hours of operation. She also noted that the meeting plan would include advising the public in advance of the discussion topics, and that the CRC should emphasize to attendees that there are opportunities for public comment at regular CRC meetings and through electronic submission. The proposed format also would allow attendees to note any other topics for consideration on their note cards, which will be submitted to the CRC as discussion of each issue is finished.
- f. Stephanie Morris stated that she has done facilitating for FutureHeight's Crowdsourced Conversation, with a format that includes assigned groups with a facilitator and some prepared questions and prompts. She suggested having people register in advance and be assigned a table. Chair agreed that the CRC could ask attendees to register ahead in advance. She noted that the 2018 CRC's meeting format allowed attendees to select a table when they arrived. Graham Ball raised his concern that required registration might become a barrier to participation. Harriett Applegate agreed that Crowdsourced Conversation was a good format and agreed that registration should be preferred but not required.
- g. Drew Herzig suggested having 20 to 30 minutes discussion per issue during small group discussions and expressed the need for the facilitator to keep the discussion focused.
- h. Chair asked the CRC what should be the shortlist of topics to be discussed at the meeting. Drew Herzig suggested that City Council needs to solicit the views of residents on ranked choice voting and hybrid/at-large council elections, but, in his view, the CRC should not draft those provisions into our proposed Charter amendments because it will be difficult for the CRC to draft those provisions

given our deadline. Graig Kluge asked Assistant Law Director Lee Crumrine how the University Heights CRC handled those issues.

- i. Assistant Law Director Lee Crumrine stated that, being an advocate for ranked choice voting in University Heights, he would defer any questions about that issue to Kevin Butler. He stated that the University Heights CRC did put together a proposed charter amendment on hybrid/at-large council elections based on the National Civic League's Model City Charter, that he would provide copies of both to the CRC, and that Kevin Butler and the Law Department would draft any charter amendment provisions that the CRC wanted to recommend. Chair asked whether that charter amendment proposal included how to divide the city into wards. Assistant Law Director Lee Crumrine responded that the UH CRC proposal included an independent redistricting commission similar to the statewide Citizens Not Politicians initiative, but that some cities have their council draw the districts. Drew Herzig reiterated that those two topics may be too cumbersome for this public meeting.
- j. Guy Thellian asked what other issues might be considered. Chair provided some examples: how Council is elected, filling Council vacancies, and the balance of power between Council and the Mayor. Stephanie Morris asked how the questions will be presented, and Drew Herzig suggested that the introduction should explain that the focus of the CRC is how best to facilitate the implementation of the elected mayor form of government.
- k. Chair stated her belief that the purpose of the meeting is to get an understanding of the extent to which the public is interested in these topics, to inform the CRC's discussions and prioritization. Roland Anglin suggested using the categories of general topics included in the survey based on the list of issues the CRC developed, like balance of power. Graham Ball wants to give the public a more open-ended opportunity to discuss issues rather than restrict the conversation to certain topics, but agrees that the CRC also can raise the topics that the CRC has already identified. Chair cautioned against having a free-for-all discussion that would prevent the CRC from getting valuable feedback. Stephanie Morris suggested using this meeting to explain the charter and charter review process to the public and ask for open-ended feedback and then have a follow-up meeting to get into specific topics. Drew Herzig suggested presenting a shortlist of topics to the public and ask them at the beginning which of those topics they want to discuss. He noted the CRC also could ask if there are any other topics we should consider at the meeting, time permitting.

#### **4) Interviews with Cleveland Elected Officials and Review of Survey Responses from Cleveland Heights Elected Officials**

- a. Chair welcomed Councilmember Larson at approximately 6:35. Noting the appreciation of the CRC for Councilmember Larson's submittal of her survey responses, Chair asked Councilmember Larson for the two or three most important things the CRC should consider changing in the Charter.

Councilmember Larson identified inquiry and hybrid at-large/ward council elections.

- b. She also asked the CRC to consider adding a non-discrimination provision. Chair explained that the CRC is considering whether that provision is more appropriate for an ordinance or charter because a charter amendment would be more a statement than an enforceable law.
- c. Chair asked specifically about inquiry. how it is being handled now and whether that is working. Chair asked whether Council has addressed any Councilmember's concern that this arrangement is not working. Councilmember Larson noted that the MOU was not successful. It provided for a response within 7 business days, and any request for a director to attend a meeting needed to specify why the director's presence was needed.. The process changed in September, when Councilmembers were permitted to email a director, with cc to the Mayor. The current process has no deadline for a response. Councilmember Gail Larson expressed frustration more with receiving no responses to inquiries, as opposed to being told she could not have requested information or could not have an opportunity for discussion with a director. Under the current arrangement for Councilmembers to request information or meetings, there is no procedure to track requests and responses.
- d. Guy Thellian asked what process would work from Council's perspective. He is interested in accountability for responses (or lack of responses) to such inquiries. Councilmember Gail Larson expressed concern that unresponsiveness creates inefficiency for her. Graham Ball stated that the CRC should consider how to require timely responses from the administration, but expressed concern that a charter provision cannot be too granular. Chair explained the tension involved in requiring directors to attend City Council meetings and the challenges in determining solutions that will improve sharing of information between the administration and Council. Councilmember Gail Larson stated her desire to be able to email a director and ask them to come to her committee meeting to obtain information when developing legislation. Drew Herzig asked whether that could be provided for in an ordinance.
- e. Guy Thellian discussed the need for having a principle of transparency in the charter.
- f. Harriet Applegate asked whether Councilmember Gail Larson is able to call a director and arrange to speak with them, and Councilmember Gail Larson answered that she is not. Chair asked whether these restrictions are even-handed (i.e., whether some councilmembers have more access than others), and Councilmember Gail Larson responded that she suspects that they are not. Guy Thellian asked Graig Kluge about his earlier comments about a neighboring city that requires periodic reports from directors, and Craig Kluge identified Beachwood's Charter as having a provision that requires directors to attend City

Council meetings upon request. Drew Herzig pointed out that requiring directors to attend City Council meetings under that provision requires a City Council vote.

- g. Councilmember Gail Larson stated that a hybrid/at-large council election system may allow previously underrepresented areas of the city to have better representation, and it would make it less expensive for candidates to run a campaign.
- h. Councilmember Gail Larson expressed concern about the current charter's requirement that persons appointed to council must stand for election to complete the unexpired term within a short time period. Drew Herzig expressed his desire for the CRC to examine her concern regarding that matter. Chair explained her findings when researching the charters of other neighboring cities. She noted that there seems to be a tension between allowing voters to weigh in on the appointment sooner (such as at the next general election ), versus delaying the time when a candidate should have to run for office until the next municipal election.
- i. Councilmember Larson noted her appreciation the the current CRC is reviewing the work of the 2018 CRC. She recommends that the Charter be reviewed every 10 years, not 20 as in the Charter now. She found that the recent budget process worked very well.
- j. Guy Thellian asked Councilmember Gail Larson to reach out to the CRC if anything else occurred to her after this interview that she wanted to say it to the CRC. Chair invited Councilmember Gail Larson to return for any of the CRC's regular meetings to provide input.
- k. Councilmember Larson left the meeting at approximately 7:10.

**5) Planning for the February 12, 2024, Meeting with the Public**

- a. After the conclusion of the interview with Councilmember Gail Larson, the CRC return to the topic of planning for the February 12, 2024, meeting with the public.
- b. Chair asked Drew Herzig what he believed the six topics that should be offered to the attendees to choose from to discuss at the meeting. Drew Herzig listed three: balance of power, ranked choice voting, and hybrid at-large/ward council elections. Drew Herzig explained his purpose is to provide attendees the opportunity for greater agency in the discussion during the meeting Based on the CRC's ranked list of issues and survey answers received from elected officials, Guy Thellian also suggested ethics. Chair added training as inextricably connected to ethics provision in the CRC's ranking of issues. Stephanie Morris suggested three topics being sufficient and that they should allow an opportunity for written suggestions.
- c. Drew Herzig suggested that the introduction include an explanation of the three topics identified by the CRC and ask the attendees if there are any other issues

that they want to address. If there is not a general interest in a topic, then they should share their thoughts in writing on a card. Harriett Applegate stated that the public should have an opportunity during the meeting to state an opinion in order to persuade others. Guy Thellian suggested instead to invite them to provide public comment at a regular meeting of the CRC. The Chair noted the time constraints for the meeting.

- d. Stephanie Morris and Drew Herzig agreed that the meeting should not be longer than two hours. Harriet Applegate agreed that the overview of the charter and charter review process should be only approximately 15 minutes. Chair indicated that she had suggested to Kevin Butler 15 minutes for that presentation. Graham Ball suggested cutting down on some of the small group discussion to allow time for general public comments. Stephanie Morris suggested that the small group discussions happen first before any comments to the entire group, so that people are more comfortable sharing. Chair agreed, adding that, once the table reporters are finished with the last topic, if time permits, there could be some time devoted to comments by individuals to the entire group, with each speaker limited to two minutes.
- e. Guy Thellian asked whether the CRC should offer or commit to have a follow-up meeting with the public. Chair stated that the CRC has discussed having another meeting with the public toward the end of the charter review process, and she expressed concern for the amount of time it would take to host another meeting with the public sooner. Drew Herzig stated his belief that the facilitation of this meeting will have to be in the moment and adjust to contingencies. Harriet Applegate stated that the CRC should be open to committing to a future meeting with the public within a month based on interest and enthusiasm shown during the meeting, but Stephanie Morris disagreed that the CRC should commit to anything in the moment. Jonathan Ciesla agreed with Stephanie Morris because the public has an opportunity to attend the CRC's regular meeting and provide public comment.
- f. Drew Herzig asked about the Open Meetings Act requirements for the meeting with the public and whether the meeting will be recorded or filmed. Assistant Law Director Lee Crumrine will inquire about video recording of the meeting. Drew Herzig stated that this will be a meeting of the CRC with a quorum present who can discuss and deliberate and take actions during the meeting, so recording seems needed. Guy Thellian agreed that the CRC can convey that the CRC will consider holding another meeting with the public and disagreed with making a specific promise.
- g. Stephanie Morris questioned the purpose of the meeting with the public – whether it is to receive open-ended feedback or to ask the public to answer pre-selected questions. Chair responded that her vision is to gauge public interest in a few topics identified by the CRC, such as ranked choice voting, hybrid at-large/ward city council elections, and balance of power. Stephanie Morris suggested

providing an overview of those topics, proceeding to small group discussion, and allow open-ended comment at the end of the meeting.

- h. Chair advised the CRC that she prepared a “save the date” graphic for the meeting with the public. Assistant Law Director Lee Crumrine sent it to Mike Thomas who agreed to put it in the City’s email newsletter and to post it on the City’s social media accounts. Graig Kluge offered to write and submit an article to FutureHeights to publicize the meeting. Assistant Law Director Lee Crumrine agreed to connect Jonathan Ciesla with someone from the Community Center to discuss about how the Community Center publishes information about events.
- i. Chair informed the CRC that the Mayor and Jim Petras advised that they are working on their survey responses, but that she has not heard back from Janine Boyd yet.

**6) Adjourn**

- a. Motion to adjourn was made by Drew Herzig and seconded by Jonathan Ciesla. Approved unanimously.

**7) Next meeting: Wednesday, January 9, 2024, at 6 PM.**