



CLEVELAND HEIGHTS

Charter Review Commission

January 3, 2024

6:00 PM

City Hall – Council Chambers

1) Call to Order

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

2) Roll Call

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

3) Approval of Minutes of Prior Meeting

- a. Review and approval of December 20, 2023, meeting minutes postponed until the next meeting to allow Assistant Law Director Lee Crumrine additional time to prepare a draft due to illness.

4) Review and Confirm or Amend Agenda

- a. None.

5) Public Comments

- a. None.

6) Old Business

- a. **Tech and administrative support for CRC**
 - i. **Update on use of City document storage for CRC work product – Discussion of best practices for organization of document storage within Dropbox**
 - 1. Guy Thellian presented his plan for the organization of the CRC's Dropbox folder, including naming protocols, and distributed a document titled, "Proposed File/materials organization in the CRC DropBox folder" for the CRC's review and discussion.

2. Assistant Law Director Lee Crumrine will provide editing privileges for the Dropbox folder to all members of the CRC.
- ii. **Update on CRC members establishing new personal email addresses for use for CRC communications**
 1. Guy Thellian informed the CRC that he has created a CRC email account.
- b. **Review of updated poll results on presenter topics; consideration of presenters and issuance of invitations to presenters**
 - i. **Discussion of potential extra meeting days/times for input from elected officials and others**
 1. Jonathan Ciesla asked whether the CRC needs a quorum for these interviews. Assistant Law Director Lee Crumrine responded that it does along, with notice of the meeting.
 2. Assistant Law Director Lee Crumrine will arrange for a virtual meeting for those CRC members who cannot attend in person. Harriett Applegate will be unavailable to meet in person on both January 8 and 9. Jonathan Ciesla will be unavailable to meet in person on January 9.
 3. Chair informed the CRC that they have received responses to the survey from 2 people.
 - ii. **Status of responses from elected officials to invitations to meet with CRC**
 1. Chair informed the CRC that they have received responses to the Doodle poll from 5 people. Among those 5 people, they are available to meet either on January 8 or January 9. Chair asked whether the CRC preferred to have all the interviews on one date or split them up between the two dates.
- c. **Revised draft project plan for CRC**
 - i. **Select second February date for CRC standing meeting**
 1. Chair to circulate a Doodle poll to pick a second date for a regular meeting in February.
 - ii. **Discussion of scheduling public input meeting and mapping CRC work to completion**
 - iii. **Continue discussion of planning for meeting with public, including potential day/time and availability of meeting space at CH Rec Center**
 1. Chair informed the CRC that a tentative date of Monday, February 12 from 6:00 to 8:00 PM at the Community Center is scheduled for the CRC's meeting with the public. The CRC agreed to this date. Jonathan Ciesla will be unavailable to attend this meeting. Chair to contact Facilitator Kevin Butler to verify his availability to attend the meeting.

2. The CRC discussed the possibility of requesting from Council an extension to submit their report. Assistant Law Director Lee Crumrine noted that Council will need sufficient time to review their recommendations and vote on any charter amendments before their September 2024 deadline to submit charter amendments for the November 2024 general election.
 3. Drew Herzig asked whether the meeting would be facilitated by Kevin Butler. Chair responded that Kevin Butler would make a presentation explaining the charter and the charter review process. The details of how the meeting would proceed thereafter are to be determined by the CRC. Chair suggested having defined topics and then have break-out tables for small group discussion.
 4. Drew Herzig expressed concern about how to moderate the discussion, especially regarding accusations made against election officials and charges and counter-charges during open mic comments. Chair suggested providing rules of engagement at the beginning of the meeting. Graig Kluge cautioned the CRC against limiting people's First Amendment rights, and Assistant Law Director Lee Crumrine agreed that the CRC generally cannot restrict speech based on its content. Chair suggested limiting public comment by time, and Assistant Law Director Lee Crumrine agreed that that is the most common restriction on public comment.
 5. Harriet Applegate expressed concern about public attendance and participation at this meeting and suggested that this meeting be well-advertised.
 6. Chair asked whether she could draft a notice that could be posted in the City's email newsletter, and Assistant Law Director Lee Crumrine said he would relay that notice to whomever at the City is responsible for the content of that newsletter. Guy Thellian encouraged the CRC to use multiple venues to advertise the meeting, including the Heights Observer. Jonathan Ciesla suggested posting on the City's social media accounts.
- d. **Consider options for communication from the public to the CRC other than attending/speaking at CRC meeting or future meeting specifically for public input**
1. Assistant Law Director Lee Crumrine suggested including information about public comment submission through the crc@clevelandheights.gov email address in an advertisement about the meeting with the public.

7) New Business

- a. **Commence review of current City Charter.**

- i. Due to technical difficulties, the CRC's mark-ups and comments added by the CRC to the 2017-19 First Amended CH Charter Draft was unavailable for review alongside the current charter.
- ii. Drew Herzig questioned why references to the State of Ohio and County of Cuyahoga were eliminated from the preamble and referred to legal counsel the question of whether those references should be retained. Drew Herzig moved to retain references to the State of Ohio and County of Cuyahoga County in the preamble. The motion was seconded by Graham Ball. Approved. Harriet Applegate voted no.
- iii. Graham Ball suggested including a land acknowledgment to the preamble. The Chair noted there may be unintended legal consequences to that. The CRC referred to legal counsel the question of any potential legal consequences to including a land acknowledgment in the Charter. Drew Herzig moved to request an opinion from legal counsel regarding the legal consequences of including a land acknowledgment in the charter. This motion was seconded by Graham Ball. Approved unanimously.
- iv. The CRC noted the differentiation between "voters," "registered voters," and "electors." The Chair pointed out that the 2019 proposed Charter addressed that by including correct references for purposes of counting voters or signatures and that the CRC had agreed to use consistent terms throughout the revised Charter.
- v. The CRC discussed the necessity of adding Section 2.1 Form of Government from the 2017-19 First Amended CH Charter Draft. This question was previously referred to legal counsel for input on proper description for the form of government and on whether we need to state the form of government.
- vi. Graham Ball agreed to re-circulate the list of questions forwarded to the facilitator or the law department.
- vii. Drew Herzig questioned whether the Article II should refer to "local self-government" or "home rule."
- viii. Chair questioned whether the reference in Article 2.2 to "laws of Ohio" needs to explicitly include the Ohio Revised Code. Assistant Law Director Lee Crumrine responded that "laws of the State of Ohio" was sufficient and included the state code.
- ix. Chair noted that Section 3.1 is the section where changes will be needed if the CRC were to recommend a change in the way Council is elected, including a hybrid (election by combination of districts and at-large) or ranked choice voting. Drew Herzig suggested that the CRC should also discuss whether staggered terms are necessary. Harriet Applegate believes ranked choice voting eliminates the need for staggered terms.
- x. Graham Ball raised the issue of term limits for Councilmembers based on his notes from prior meetings. However, the CRC agreed that the CRC did not want to consider term limiting Councilmembers.

- xi. Harriet Applegate and Drew Herzig suggested informing the public at the meeting with the public that the CRC will discuss issues like hybrid at-large-ward council and ranked choice voting and ask for public input during that meeting. Harriet Applegate and Graig Kluge noted that there was some interest in and discussion of hybrid at-large-ward council elections by Citizens for an Elected Mayor.
- xii. Drew Herzig suggested that the CRC's report could recommend further exploration and research of certain issues like hybrid council elections and ranked choice voting, including through another appointed CRC. Harriet Applegate stated it was premature to consider what the CRC cannot accomplish during its term. Jonathan Ciesla noted that the reason for this Commission is to help the Charter catch up to the change in government.
- xiii. Harriet Applegate asked if the Facilitator could alert the CRC to any changes that are necessary because of the change in form of government. Chair

8) Review of Meeting Action Items

- a. Chair to send out Doodle poll to facilitate scheduling the CRC's second February Meeting.
- b. Chair to send a save the date notice for the meeting with the public.
- c. Graig Kluge to check publication deadline for Future Heights.
- d. Jonathan Ciesla to contact the Community Center about bulletins and calendars to publicize the February 12, 2014, meeting with the public.
- e. Chair to ask Council to announce at a Council meeting the date, time, and location of the meeting with the public.
- f. Assistant Law Director Lee Crumrine to research whether Article 1 required revisions due to Ohio Supreme Court case.
- g. Graham Ball to update list of questions for Facilitator/Law Department and follow up with Facilitator/Law Department.
- h. Assistant Law Director Lee Crumrine to locate the 2017-19 CRC's First Amended CH Charter Draft with the 2023-24 CRC's comments and revisions.
- i. Assistant Law Director Lee Crumrine to inquire about social media posts from City social media accounts for the February 12, 2024, meeting with the public.
- j. Assistant Law Director Lee Crumrine to research legal issues regarding land acknowledgments in the Charter.
- k. Assistant Law Director Lee Crumrine to provide editing privileges to CRC members for the CRC's Dropbox folder and to re-send a link to that folder.

9) Public Comments

- a. None.

10) Review of Meeting for Lessons Learned

- a. Harriet Applegate expressed concern that the CRC not exclude from its consideration a full discussion of both hybrid at-large-ward council elections or ranked choice voting. Chair stated that the CRC may consider as many issues as the CRC wants to consider, but noted that there is a deadline of May 31, 2023, to consider.

11) Adjourn

- a. Motion to adjourn was made by Jonathan Ciesla and seconded by Graig Kluge. Approved unanimously.

Next meeting: Wednesday, January 8, 2024, at 6 PM.