



# CLEVELAND HEIGHTS

## Charter Review Commission

**January 18, 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: Harriet Applegate, Graham Ball, Jonathan Ciesla, Drew Herzig, Graig Kluge, Guy Thellian, and Linda Striefsky.
- b. Members absent: Stephanie Morris and Roland Anglin.
  - a. Stephanie Morris and Roland Anglin participated remotely via videoconference.
- c. Staff present: Assistant Law Director Lee Crumrine.

**3) Interviews with Cleveland Elected Officials**

a. Interview with Councilmember Janine Boyd

- i. Chair thanked Councilmember Boyd for attending the meeting. Chair noted that the survey would be reviewed with Councilmember Boyd because she had not submitted survey responses. Chair Councilmember Janine Boyd about her top two or three issues that she would like to see addressed in the Charter.
- ii. Drew Herzig explained the CRC's goal of identifying and recommending any changes to the charter needed to implement the new elected mayor form of government. Councilmember Boyd stated that the city is only two years into the new form of government, and there has not been enough time to assess needed changes to the charter.
- iii. Chair asked Councilmember Boyd about the balance of power between the branches of government and the issue of inquiry. Councilmember Boyd responded that it is not in the best interest of the city to make certain prescriptions because individuals in office will change. She stated that the charter should not be too rigid and

any changes should be broad. Drew Herzig noted that the CRC's Facilitator told them that the charter needs to be a long-term structure.

- iv. Chair relayed the concerns of other councilmembers that the administration is not responsive to their requests for information. Councilmember Boyd said that it is not her experience that the administration is not responsive. Chair asked if other councilmembers have had that same experience, and Councilmember Boyd responded that she was not aware of the type of questions being asked by other councilmembers. Chair asked if Councilmember Boyd receives prompt responses, and Councilmember Boyd stated that it depends on the department and how busy they are.
- v. Drew Herzig mentioned Councilmember Cobb's sentiment that it is too early to assess the new form of government and that it is premature to make too many changes. Councilmember Boyd agreed that an overaction would not serve the city well.
- vi. Drew Herzig raised the issue of the requirement that an appointed councilmember run for election in the next general election rather than the next general municipal election. Councilmember Boyd responded that the councilmember should not have to run for election until the next municipal election. Drew Herzig favors that approach. Harriet Applegate pointed out that having a longer period for an appointed councilmember to serve without an election is less democratic.
- vii. Drew Herzig raised the issue of the tiebreaking vote if there is deadlock to fill a vacancy on council and whether that should be the Mayor or Council President. Councilmember Boyd noted that the Council President already had a vote and disagreed with allowing the Council President to break the tie.
- viii. Chair asked whether the charter should be changed to require the appointment of directors in addition to the Law and Finance Directors be approved by Council, and Councilmember Janine Boyd disagreed.
- ix. Harriet Applegate pointed out that Councilmember Boyd served under both the elected mayor form of government and the council-manager form of government, and asked if any Charter changes were needed due to the change in form of government. Councilmember Boyd said that the difference is personalities elected to office rather than the form of government.
- x. Councilmember Boyd believes that the responsiveness of administration depends on the questions being asked by

councilmembers and the timing of the questions. Some questions might be too time-consuming for city staff to timely respond to.

xi. Drew Herzig mentioned the CRC's consideration of training requirements for newly elected officials. Councilmember Boyd believes that an orientation would be helpful.

xii. Chair asked Councilmember Janine Boyd about her position on ranked choice voting and hybrid at-large/ward council. Councilmember Boyd does not have a view on ranked choice voting. Councilmember Boyd said that there are pros and cons to a hybrid at-large/ward council, and she believes that at-large councils can lead to more cooperation and collaboration.

xiii. Chair asked if it would be appropriate to have a comprehensive non-discrimination statement and protections for non-citizens, like a sanctuary city provision, in the charter, and Councilmember Boyd agreed with both.

xiv. Chair asked about the recommendations of the 2017-19 CRC. Councilmember Boyd was not familiar with the recommendations. When asked about adding gender neutral language, Councilmember Boyd agreed with that. When asked about the recommended changes to referendum, recall, initiative, and charter amendments to base signature requirements on percentages of ballots cast during the last general municipal election rather than on registered voters in accordance with law, Councilmember Boyd also agreed with that. Chair asked about a provision providing for a more frequent charter review process, and Councilmember Boyd agreed that charter review should occur more often. Councilmember Boyd left the meeting at 6:30.

b. Interview with Former Council President Melody Joy Hart

i. Chair thanked former Council President Hart for her survey responses and for meeting with the CRC. She asked former Council President Hart about her top two or three issues that she identified in her survey response. Former Council President Hart believes that the time for Council to name an appointee should be extended from 45 to 60 days. She also recommended a change to the charter regarding council appointments, so that an appointed councilmember either must run for election in the next municipal election or at the end of the unexpired term of office, rather than at the next general election. Former Council President Hart said that the required signatures for the nomination petition should be lowered. Former Council President Hart identified the budget process should be in the hands of Council.

ii. Chair explained that changes provided by the 2017-19 CRC were not adopted.

- iii. Former Council President Hart explained that. Under the City Manager, Council did not have enough detail about the budget, and it is important that Council have the authority to get the information in sufficient detail. In 2023, the process had more detail. Chair asked if directors should be present during that process, and Former Council President Hart agreed and said that they were present during the budget process this past year. Former Council President Hart agreed that access to the administrative departments is necessary, especially for the budget process.
- iv. Chair noted that this can be beneficial for departments and directors, and she noted that it is much more productive while drafting legislation if you can have a discussion with the appropriate administrative staff. Chair noted that the Charter now does not authorize Council to required directors at any meetings and wondered how Councill members can function without talking to directors. Former Council President Hart said that there needs to be a reason for requiring directors to attend meetings. She noted there has been no legislation because there has been no agreement on how legislation should be developed. She described the different approaches to communication between Council and the administrators over the past year.
- v. Former Council President Hart said there needs to be an agreement about the flow of information. Chair expressed her concern that councilmembers are not able to get the information that they need to do their jobs. Drew Herzig explained that other councilmembers have mentioned that this is a new form of government and, and Former Council President Hart agreed.
- vi. Former Council President Hart cautioned against being too rigid, but it is a good idea to have training requirements.
- vii. Former Council President Hart said that “emergency” legislation is a misnomer. Chair asked Assistant Law Director about technical reasons why the label “emergency” is needed, relating to legislation not being subject to referendum, such that eliminating that term of art is a bad idea.
- viii. Former Council President Hart identified the issue of appointments to commissions. She believes that you could have mayor make some appointments and council could make others. The difference has been based on whose commission it is. For instance, the Commission on arts is a mayoral commission, She believes standardization would be beneficial. All appointed by Mayor with City Council approval.
- ix. Chair asked about ranked choice voting and a hybrid at-large/ward council election. Former Council President Hart is not opposed to

ranked choice voting. She agrees with Councilmember Boyd that wards could introduce divisiveness, but she argued that wards can lower the cost barrier for candidates.

- x. Chair asked about a comprehensive nondiscrimination statement and in the charter. Former Council President Hart noted that there is an ordinance, but that does not mean it should not be included in a charter. Chair asked about sanctuary city status, and Former Council President Hart mentioned potential adverse impact on funding.
- xi. Former Council President Hart stated that it is important not to hinder the Mayor's ability to direct his staff.
- xii. Chair identified the potential problem that there is not an evenhanded flow of information.
- xiii. Drew Herzig mentioned that Graham and Councilmember Mattox with Former Council President Hart's help got a Gaza resolution back on the agenda.
- xiv. Former Council President Hart expressed appreciation for the work of the CRC. She left the meeting at 7:15.

- c. Graham Ball noted that Councilmember Boyd's perspective was interesting and unexpected, especially that she did not advocate for certain changes.
- d. Graig Kluge noted that it should not take two years for the elected officials to get acclimated to the form of government and their offices.
- e. Assistant Law Director Lee Crumrine mentioned the Attorney General's Office's Sunshine Law Training. The CRC discussed high level training specifications, such as state required training, like Sunshine Law, parliamentary procedure and how to develop legislation.
- f. As to the need for cooperation and collaboration, Graig Kluge said that there was a free flow of information when he worked at the City of Cleveland. He believes that there are personality issues and that a resolution to that personality issue cannot be legislated. Chair said one approach can be as simple as a charter provision permitting Council to require directors to attend meetings.
- g. Stephanie Morris questioned what the consequence would be if we add a Charter provision that is not followed by a director. She does not favor charter changes directed at the personalities that are in office now. Jonathan Ciesla noted failure to follow the charter could constitute malfeasance.
- h. Harriet Applegate stated that the CRC needs to talk to Former Councilmember Josie Moore, since she resigned from office because she could not get information. She also believes that orientation is important, so all Council members start on the same page. Graham Ball suggested requiring 3-days of orientation with a curriculum designed by the Law Department.

#### **4) Old Business**

- a. **Consideration of presenters and issuance of invitations to presenters**
  - i. Chair asked the CRC whether the CRC wants to hear from additional former city councilmembers, including Former Councilmember Josie

Moore. Harriet Applegate brought up Former Councilmember Mike Ungar and listed other former councilmembers who have moved away from the city. Graig Kluge noted that Former Councilmember Mike Ungar was a strong advocate for the council-manager form of government. Chair brought up Cheryl Stephens. Harriet Applegate brought up Former Councilmember Alan Rappaport. Chair suggested approaching elected officials from other cities for their perspective. Stephanie Morris noted that we have heard too much about the inter-personal dynamics between elected officials, that the survey might be enough, and that these interviews might not be the best use of the CRC's time. Chair suggested talking to people from Citizens for Elected Mayor, including Jean Gordon and Len Friedson. Harriet Applegate brought up inviting Kyle Herman from Rank the Vote Ohio to talk about ranked choice voting. Chair suggested having a panel for some of the interviewees, including mayors from other cities. Guy Thellian asked Graig Kluge if he knew someone from Cleveland, and Graig Kluge responded that it was more of a culture.

- ii. Graham Ball listed the Forrest Hill Homeowners Association, FutureHeights, and SaferHeights that the CRC previously discussed interviewing. Drew Herzig instead suggested sending a special invite to them to the meeting with the public.
- iii. Harriet Applegate suggested inviting Former Councilmember Josie Moore. Jonathan Ciesla disagreed. Drew Herzig agreed that we should not seek redundant information or input and the purposes of the CRC is not to hear grievances.
- iv. Chair informed the CRC that she has not heard back from the Mayor and that Councilmember Mattox has signed up for an interview with the CRC.
- v. Graham Ball brought up inviting department heads to a meeting, and Harriet Applegate suggested City Administrator Danny Williams.
- vi. Jonathan Ciesla recapped the remaining presenters suggested to be invited to meet with the CRC: Councilmember Jim Petras, Councilmember Davida Russell, Mayor Kahil Seren, Kyle Herman from Rank the Vote Ohio, and former members of the Committee for Elected Mayor Jean Gordon and Len Friedson, and a panel of mayors from Shaker Heights, South Euclid, and Lakewood. Chair to facilitate the invitations to such presenters. Motion to approve was made by Harriet Applegate and seconded by Graig Kluge. Harriet Applegate asked if the interview with the Committee for Elected Mayor should be a panel, and Chair agreed that they should present together. Approved unanimously.
- vii. Guy Thellian presented a proposal for a script for a phone voicemail message providing the public additional information for the public about the CRC. Discussion of this script will be on the agenda for the January 22, 2024, meeting of the CRC. Chair suggested adding this script to the posts on social meeting and city newsletter.

viii. Graig Kluge submitted a notice of the February 12, 2024, meeting with the public to Heights Observer for publication, and he will distribute it to the CRC.

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

- a. Drew Herzig stated that lessoned learned from the meeting is that you cannot legislate personalities.
- b. Harriet Applegate stated that interviewee not responding to the survey impacted the discussion tonight and hopes that the remaining interviewees would respond to the survey.

**6) Adjourn**

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

Next meeting: Wednesday, January 22, 2024, at 6 PM.