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2023 Cleveland Heights Charter Review Commission

Survey for Mayor and City Council

We all recognize that changes have made to the Charter to effect and reflect an elected mayor form of government. The charge to this Commission is to review the Charter and develop recommendations for amendments, if any, in the best interest of the City. This consideration is to include whether amendments are necessary or advisable, to better and further implement the Mayor-Council form of government. The Commission is also charged to review the 2019 final report of the 2019 Commission.

For each category below, please consider further changes to the Charter that, in your opinion, the Charter Review Commission should consider, without necessarily implying that you would make such a change.

- 1. What are the most important changes to the Charter that you would like to see as a result of this Charter review process? I would like to see language in the Charter that clears up the Council's right to Inquiry. Because the language is grey, some Council members have been restricted to access. Some Council members have been required to follow a "process" rather than picking up the phone to schedule a meeting with a Director. Those Council members who have followed the Memo of Understanding signed by the Mayor and then-President Hart have only received responses from the Administration 23-30 % of the time. Most recently, some Council members were told it was acceptable to email a Director as the recipient of an email with a copy to the Mayor. Some of those requests for information or attendance at a Committee meeting did not receive a response. Those Council members who were required to follow the process are not allowed to make a phone call to a Director to schedule a meeting. Other than Inquiry, I expect the CRC will make recommendations that will ensure a balance of power among the three branches of government as well as a review of the amendments suggested by the 2019 CRC.**

2. What changes, if any, should be considered regarding the balance of powers between the Mayor and City Council? For example:
- a. There has been debate concerning the extent to which members of City Council may request information from, or communicate with, “the administrative service”. This is a carry-over from the prior Cleveland Heights City Charter, for a city manager form of government. Should the existing Charter text, permitting requests only for “the purpose of inquiry”, be deleted, or should the charter otherwise address the process by which City Council members request information from City departments and accountability for responses to such requests? **It should be acceptable for all 7 Council members to email or call a Director with a question for information about legislation before Council or information to help Council fulfill their jobs as Committee Chairs or to advocate for citizens. When Inquiry is restricted to a process that may or may not receive a response from members of the Administration, some Council members have not been able to do the job that they were elected to do.**
 - b. Should the Charter be modified as to the authority to establish or determine the organization and duties of each department? **The Mayor should be able to modify the organization and duties of the departments within his/her Administration as appropriate.**
 - c. Should the Charter be modified to require City Council approval for hiring of directors beyond the Directors of Law and Finance? **No.**
 - d. Currently, the Mayor appoints the Civil Service Commission, subject to City Council approval, and the City Council appoints the Planning Commission. Should the method of appointment to the City commissions be changed? **The method of appointment to the City’s Commissions should be the same to provide transparency and consistency no matter the function of the Commission. Additionally, whether the Mayor or Council are making the appointments, those nominated should come from an applicant pool that has been open to all residents of Cleveland Heights.**
 - e. The method of filling vacancies on City Council was changed in 2022. Are any further changes needed? **Please try to include wording that would extend an appointee’s term to the next municipal election. Running for Council in 2022 and 2023 was a challenge for this particular appointee.**

Do you recommend consideration of other changes as to the balance of powers? **This quote from Linda Gallagher says it best in lay terms: “For day-to-day operations and policy implementation in towns and cities, the mayor or city manager is the boss and leads the agency, all under the guidance of legislation put forth by the town or city council.**

For legislation, including policy making and budgets, the legislative/governing body as a whole could be considered the boss. Ultimately, local elected officials are responsible to the people of their jurisdictions. Successful local government officials understand their respective roles and work together for the benefit of their communities.”

the Boss? Separation of Powers in Local Government

February 18, 2021 by Linda Gallagher

Category: Administrative and Elected Officials

In Cleveland Heights, our Charter needs to recognize that the Legislative, Executive and Judicial Branches are separate and equal. At the end of the day, the branches should exchange information collaboratively and support each other to give the citizens the policies and projects that are needed to keep current residents here and attract new ones.

Please briefly explain the reasons for your answers.

3. **If not included in your responses above, do you think that the Commission should consider these changes:**
 - a. **Adopt Ranked Choice Voting** No. **Until we have more information about the effectiveness of this process, we need to retain the current voting method.**
 - b. **Change the way City Council is elected - change to electing City Council by wards or by a hybrid method of wards and at large, as opposed to retaining at large** Yes, **please consider a hybrid method of wards and at large. The Model City Charter (MCC) 9th Edition, addresses and recommends this hybrid when Cities are as diverse as ours because “Community members may feel isolated from and unconnected to their government without some geographical basis of representation”. The MCC also suggests that running a campaign for a Ward can be less expensive than a campaign for At-Large representation. We always talk about Cleveland Heights’ diversity and getting more residents engaged. This could be a way to address those concerns. The MMC describes districting procedures in Section 6.03 of the 9th Edition. Additionally, the MMC stipulates that “at-large and district council members should have equal status with respect to offices, services and length of terms”.**
 - c. **Add to the Charter provisions as to ethics expectations for the Mayor, City Council and Department Heads and training for the Mayor and City Council** Please consider providing ethics expectation section for the Mayor and City Council and Department Heads. Training along those lines would also give a section on Ethics more credibility.
 - d. **Add a comprehensive nondiscrimination policy.** Yes. **Because Cleveland Heights is so diverse, and we pride ourselves on that diversity, a clearly stated nondiscrimination policy is essential.**

- e. **Add provisions to protect the rights of residents without citizenship, such as sanctuary city status.** October 2, 2017, then Council member Seren introduced legislation which was called “Civil Immigration Enforcement”. It was very contentious at the time and indicated that Cleveland Heights Police officers would be charged with a misdemeanor if they violated any of 5 actions. I am not comfortable with any sanctuary city provision that punishes our police officers for doing their jobs. They could be trained on any sanctuary city provision. I would be comfortable with a declaration of sanctuary city only if our officers would be asked not to report someone who is stopped or detained to ICE or the CBP. Individuals who are stopped or detained in our City should not be worried about being reported to Federal agencies unless the detained individual is being sought for a court order or other law enforcement purpose. My church, Forest Hill Church, kept an undocumented individual safe as she waited for far too long to obtain asylum status.

Please briefly explain the reasons for your answers.

- 4. **As to the final report of the 2019 Charter Review Commission, are there particular changes recommended in that report (apart from any relating to the City Manager), which you recommend that the current Commission consider?**
 - a. **In particular, should these changes be considered:**
 - i. **Gender neutral language and modernized language** Absolutely! Gender neutral language is particularly important because many of our elected officials are female and the Charter should reflect that inclusive language accordingly.
 - ii. **Initiative, recall and referendum provisions** The 2019 CRC recommended some changes that made Article Eight more complete in terms of the definition of the base population and time lines for filing initiatives, recalls and referendums. I ask that the 2023 CRC consider these changes as valid.
 - iii. **Charter review timing** The 2019 CRC recommended a Charter Review Commission be required at intervals no greater than 20 years, given Council and citizens could initiate Charter Amendments in between those intervals. I yield to the current CRC on this one.
 - iv. **Changes to provisions on finances and budgeting** The 2019 CRC did a thorough job of reviewing Article IX. I would encourage the current CRC to consider the thorough nature of those recommendations, especially, Article IX, Section 1, 9.2. The past two years, the Mayor and Council have engaged in a very collaborative process budgeting for the next year. This practice should be continued, no matter who leads the Executive or Legislative Branches. Council has the responsibility of reviewing and holding the Administration accountable for maintaining a

sound budget. Council's participation in the process guarantees accountability.

- b. Are there any other recommendations from the 2019 Final Report that you recommend be considered by the current Commission? Please briefly explain the reasons for your answers.**

Please revisit Section 3.4 regarding filling vacancies on Council. Is 30 days too short a time period for Council's selection of a replacement, particularly if the vacancy occurs before a holiday or summer recess?

Section 3.5 regarding increases in Council salaries. To avoid the appearance of self-interest, the recommendation of the 2019 CRC to refer any increase to the Civil Service Commission made sense.

Please revisit Section 3.9 as recommended by the 2019 CRC. The "emergency" provision has been confusing to citizens and there should be an explanation if/when "emergency" declaration is added to a piece of legislation.