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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.

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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? **Full inquiry!! A balanced government structure throughout the charter. Some ideals are listed below that may be charter amendments or ordinance changes.**
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? **Absolutely! The charter Review Commission must focus on enhancing the process through which City Council members seek information from city departments and establish clear accountability for the timely and effective responses to such requests. A government that operates with openness, responsiveness, and transparency, significantly reduces the potential for corruption. It is critical to refine and**

define mechanisms that facilitate communications between the city council and city departments to uphold the principles of good governance.

- b. **Should the Charter be modified as to the authority to establish or determine the organization and duties of each department?** The charter should be revised to explicitly grant the authority to establish or determine the organization and duties of each department. This modification is critical for defining the organizational structure and delineating responsibilities within the organization. (Alternatively, this objective could be achieved through an ordinance change)
- c. **Should the Charter be modified to require City Council approval for hiring of directors beyond the Directors of Law and Finance?** Indeed, the city council's approval of hiring directors beyond the director of law and finance serves to bolster transparency and accountability. However, it is essential to balance this with other factors such as efficiency delegation of responsibility.
- 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?** No, but an application process needs to be established either in the charter or by ordinance.
- e. **The method of filling vacancies on City Council was changed in 2022. Are any further changes needed?** Yes, after seeing the changes in real-time! New members should not be required to run in an even number of years to avoid the possibility of running 3 times for a vacant seat. Additionally, the council must be given a minimum of 60 days to fill a vacancy. In the event of a deadlock, after a period. The council president is responsible for appointing a new council member. It is important to note that Council members originate from the legislative branch of government. The appointment should be made and by the president within the legislative branch.
- f. **Do you recommend consideration of other changes as to the balance of powers?** Yes. The Council Committee of the whole and executive sessions are designated for council members to deliberate, discuss legislation, and reach a final consensus. Or finding concerning city or council business. The mayor is not a part of the council structure. Therefore, the mayor shall only attend the council committee of the whole and executive session by invitation or request from the council president. The mayor's participation is limited to answering questions related to legislation authored by the mayor or city business. The mayor is not allowed to engage in any discussion

related to the council's business, appointment, rules, procedures, guidelines, structure or penalties or functionality etc.

- g. Council meetings serve as a platform for council members to vote and engage in discussion regarding legislation previously examined in the committee of the whole, which is then presented to the residents. The mayor has the option to participate in these meetings by request to the council president for a specific line-item placement on the agenda, subject to the discretion of the council president.**
- h. Although the mayor oversees City Hall and the City buildings, the council is in control of the council chambers in all aspects. The mayor has no authority over the council chambers or the executive conference room of the committee of the whole. Any modification, repairs, furniture, or equipment for these areas will be funded from the city's capital budget with a designated line item specifically designated for council chambers and the conference room for council to make repairs, update, purchase furniture upon request.**
- i. City directors must attend all council meetings and provide an updated report on their department to both city residents and council members. Additionally, they are expected to address questions from residents seeking answers regarding unresolved problems between public comment. If an answer cannot be provided during the council meeting, directors are required to collect the residence name and phone number and follow up with them directly. It is worth exploring whether this issue falls under an ordinance or requires a charter amendment, as I am actively seeking a resolution to this matter.**
- j. The law director is appointed by the mayor but cannot be terminated without the approval of the council. In the event of unjust disciplinary action by the mayor, the law director has the right to an appeal hearing before the council, which has the authority to overturn the disciplinary actions based on presented evidence. It is critical to ensure a fair and balanced representation of the law director's role as working for both branches of government. This could lead to biases if hired and fired decisions are solely made by one branch. To address this concern, if one branch appoints the law director, consent from the other governing body is required for termination! This approach promotes impartiality, fostering a law director who fearlessly advocates for both sides of government unencumbered by concerns about job security.**

A designated office space is essential for the council leadership to effectively manage the council operations and support its employees, as well as accommodate other necessary business activities.

All necessary city equipment and building space required for the council to perform their duties effectively, including AV equipment and the use of the Community Center will be made available upon request. In cases where the council is unable to operate the equipment independently the council has the authority to request the necessary staff along with the support of the Council clerk to use or operate it.

The Charter Review Commission members should consider adding a yearly three-day retreat for council members.

Council president have sole authority over the legislative agenda.

All committee, commission, and boards shall be appointed by the Council.

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 **Not sure.**
- 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. **Mixed opinion concerning this question.**
- c. Add to the Charter provision accountability, expectations for the Mayor, City Council and Department Heads and training for the Mayor and City Council **Yes, adding ethical expectations for the mayor, City Council and department heads, along with training requirements, to the city charter can help promote transparency, accountability and responsible government it provides a clear framework for ethical conduct and ensure that elected officials and leaders receive the necessary training to fulfill their roles effectively.**
- d. Add a comprehensive nondiscrimination policy statement. **Yes, adding a comprehensive nondiscrimination policy statement in our city charter helps promote inclusivity, protect Individuals from discrimination based on various factors such as race, gender, and religion, and fosters a more equitable and diverse community. It sets a legal foundation for fair**

treatment, signaling the city's commitment to equality and creating a more welcoming environment for residents and visitors alike.

- e. **Add provisions to protect the rights of residents without citizenship, such as sanctuary city status.** Since joining council, Cleveland Heights has function as a sanctuary city. However, to the best of my knowledge, this decision has not been officially documented, potentially hindering the city from securing grants that offer cities lacking such a designation, have successfully obtained.

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** Yes, incorporating gender neutral and moderated language into the charter reflects our community's values and objectivities. This edition has the potential to enhance inclusiveness and promote respectful communications, creating a more diverse and welcoming environment, Nevertheless, it is critical to consider local perspectives and engage in open dialog to secure widespread support for the proposed change.
    - ii. **Initiative, recall and referendum provisions.** Incorporating initiative, recall, and referendums provisions into a community governing structure is contingent upon preferences and values of the community. While these provisions can augment citizen engagement and accountability these adoptions may also pose challenges for effective governance. It is essential to consider community input carefully evaluating the associated benefits and challenges. The introduction of referendum initiatives and recall into a city's charter can yield both positive and negative impact on the positive side. It fosters direct civic engagement; empowering residents too exercise a more immediate influence on government decisions. However, potential drawbacks include heightening political polarization. The potential misuse of recall power for partisan motivates of hasty and ill-Informed decisions through referendums, striking a balance in implementing proper safety guards are critical steps to mitigate these risks and ensure a judicious application of these democratic mechanisms. (This could possibly be an ordinance not sure)

- iii. **Charter review timing.** The 10 year time frame is adequate. However, giving the ongoing changes in local, state, and federal government a five-year review might be more pertinent and less likely to cause harm.
- iv. **Changes to provisions on finances and budgeting** The state has set a deadline for the city's budget. The City Council must review the budgetary number by September 30<sup>th</sup> each year. And the final budget approval vote shall be scheduled for no later than November 30<sup>th</sup> of each year.

- 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.**