

2023 Cleveland Heights Charter Review Commission (CRC)

Response to: "Survey for Mayor and City Council"

As submitted by Len Friedson and Jeanne Gordon

CRC Meeting: February 6, 2024

- 1) What are the most important changes to the Charter that you would like to see as a result of this Charter review process?

Consideration of Charter changes are outlined below.

- 2) What changes, if any, should be considered regarding the balance of powers between the Mayor and the City Council?

a) Inquiry

For 100 years, the balance of power between the administration and the Council was dominated by one fact: the Council could fire the City Manager at any time. That threat dominated the relationship between the Manager and the Council.

Today that threat has been replaced with a different threat: now the voters can fire the Mayor, but the Council cannot.

This change requires a different strategy by both arms of government. Currently the Administration and Council are trying to figure out what works best, but neither has yet discovered how to arrive at a good working relationship that serves the goals of the City.

The City Council has historically deferred to the administration. This deference was NOT established in the Charter, but rather evolved over time as tradition. This weak Council model will continue unless the Council wishes it to change.

Legislation is the life blood of the Council. In order for the Council to do their job, they MUST be armed with information. It appears to many that the Mayor has the mistaken notion that only he/she can determine what the Council should know. This is wrong.

Therefore, we think the Charter should make clear that Council's requests for information, written and/or oral, when made to the administration, formally OR informally, shall be provided by the administration in a timely manner, and that the administration shall make every effort to bring information to Council even without request.

b) Department Duties

The Charter should NOT be modified as to the authority to establish or determine the organization and duties of each department, with the possible exception of LAW and FINANCE. These two departments are extremely important to the very existence of the City.

c) Hiring of directors

The Charter should NOT be modified to require Council approval for hiring of directors beyond the Directors of Law and Finance.

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d) Commissions

The method of appointment to City commissions should NOT be changed in the current charter.

e) Council Vacancies

The method of filling vacancies on City Council requires NO further changes.

f) Other Changes to Balance of Power

We do NOT have other recommendations as to other changes regarding the balance of powers.

3) CRC consideration of other changes

a) RCV

We do NOT recommend adopting Rank Choice Voting as a charter amendment.

b) Wards

We do NOT recommend, at this time, changing Council representation from an At Large model to a Ward model, or a hybrid Ward/At Large model. While the idea has merit, it should be deferred UNTIL the City adjusts to the elected mayor form of government.

c) Ethics Policy

We endorse the inclusion of ethics expectations for the Mayor, Council, and Department Heads. Even more, consequences should be included. Training for the Mayor and City Council members should be addressed via ordinance.

d) Non-Discrimination Policy

We do NOT endorse the inclusion, into the Charter, of a comprehensive nondiscrimination policy statement.

e) Citizenship Resident Rights

We do NOT endorse the inclusion, into the Charter, of rights of residents without citizenship, such as sanctuary city status.

4) 2017 CRC

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a)

- i) Gender-neutral language – YES. Modernized language – NO.
- ii) Initiative, recall, referendum – No Opinion (not reviewed).
- iii) Charter Review timing – YES.
- iv.) Finances and budgeting – No Opinion (not reviewed).

5) Other Contents

We advise that the CRC give due consideration to the reasons an item be included into the Charter as opposed to crafting an ordinance. There are very good reasons for both alternatives. Response to: "Survey for Mayor and City Council"

As an example, the charter currently contains the names of departments. These should be limited to the essential departments only, giving the flexibility for the city to rename, add or dissolve departments as appropriate. Essential departments are LAW, FINANCE, PUBLIC SAFETY, PUBLIC WORKS AND (perhaps) PARKS AND RECREATION. Other departments should not be included in the Charter, but rather can be covered in other ways.