



CLEVELAND HEIGHTS

Charter Review Commission

February 6, 2024

6:00 PM

City Hall – Executive Conference Room

1) Call to Order

- a. Chair Linda Striefsky called the meeting to order at 6:01 PM.

2) Roll Call

- a. Members present: Harriet Applegate, Roland Anglin, Graham Ball, Drew Herzig, Graig Kluge, Guy Thellian, Jonathan Ciesla, and Linda Striefsky.
 - a. Jonathan Ciesla arrived at 6:12 P.M.
- b. Members absent: Stephanie Morris.
- c. Staff present: Assistant Law Director Lee Crumrine.

3) Interview with Jeanne V. Gordon and Len Friedson

- a. Chair thanked Jeanne V. Gordon and Len Friedson for attending the meeting. She explained that the CRC invited them, as representatives of the ballot issue committee for an elected mayor, Citizens for an Elected Mayor (CEM), to gain their perspective in drafting the ballot issue and charter amendment. Chair noted the constraints on a citizen-initiated ballot issue due to the “single issue” rule and asked whether there were any other changes that they considered, particularly regarding the balance of powers, that were not included in the final draft for whatever reason.
- b. Len Friedson explained that he played a visitation role during the previous CRC. He explained that there were limitations on what CEM could accomplish in the charter amendment, particular due to the single subject rule. There were lot of things that they considered but that they elected not to do, so as to focus on the changes needed to provide for an elected mayor. He acknowledged that the CRC may find gaps that should be smoothed away. He noted that the CRC has a lot more leeway in what to address.
- c. Jeanne V. Gordon explained that they did a lot of background research concerning the scope they could cover in the ballot issue, knowing that the City Council in office at that time was hostile to a change in the form of government. They received the advice of legal counsel, particular regarding the single subject rule. They chose to be conservative in their approach to the amendment because of that

hostility of Council and because the committee preferred to minimize the threat of legal action against them. For the most part, they decided simply to change references from “city manager” to “mayor”, plus add provisions about vacancy and recall as to the mayor. They reviewed the charters of seven different cities: University Heights, Parma, South Euclid, Bay Village, Lakewood, Rocky River, and Shaker Heights. They wanted to avoid making significant changes to the operations of City Hall, and they anticipated that a CRC would come along to smooth out the processes.

- d. Len Friedson explained that they did not give a lot of thought to the balance or structures of power.
- e. Jeanne V. Gordon said that they did not give a lot of thought to transparency or flow of information between the branches of government. She believes there needs to be guardrails around how Council obtains information from the administration so that Council can do its job. In particular, she noted that the reference to inquiry in the Charter is in the article pertaining to Council, and CEM did not change that article beyond changing the reference in the inquiry sentence from “city manager” to “mayor”. This provision existed in the Charter prior to the change in the form of government, and she believes it has been reinterpreted by the mayor. She commented that if the city manager had restricted information going to City Council, Council could have chosen to not extend the city manager’s employment contract, and she compared it to possibility that residents could decide not to re-elect a mayor for the same reasons. Chair acknowledged the limitations that CEM faced.
- f. Harriet Applegate asked whether they discussed a hybrid at-large/ward council. Len Friedson said they discussed the issue early in the process and that there appeared to be bigger appetite in their organization for wards than for elected mayor. They considered doing both, but decided to pursue an elected mayor form of government because of the possibility that doing too much would result in failure and that elected mayor had the potential to have the most impact in the shortest period of time. Jeanne V. Gordon explained that it would have had to have been two petitions and two campaigns. She was also concerned about tackling the complications in designing wards; adding this to the list of ballot changes would have required additional, special legal counsel. Len Friedson explained that the appetite for wards was broad and the concept was not well-developed and detailed. Len Friedson stated his belief that, although he likes the idea because it is more responsive, the city needs to get more comfortable with the change to an elected mayor before changing the method for electing Council.
- g. Drew Herzig asked if their intention in urging an elected mayor was to be more democratic. Len Friedson agreed, but explained that the terms they used most often were “responsive” and “accountable.” The previous form of government had not been working for the city. They wanted a Mayor who could do bold things and take on bigger issues. The provision regarding city administrator was intended to give the mayor the freedom to not have to deal with the day-to-day issues of city administration. Jeanne V. Gordon explained that it is difficult to terminate a city manager when there are multi-member at-large council elections with staggered terms for part-time councilmembers. Residents are not able to put enough pressure on Council to achieve a change in city administration under the council-city manager form of government. There was not a lot of changeover in

the city manager. She believes that people now are more informed about what is happening in city government.

- h. Drew Herzig asked if there was as much antagonism on Council under the council-city manager form of government. Chair, Jeanne V. Gordon, and Len Friedson agreed that there were disputes on council before the change in the form of government and gave some examples of disputes on council.
- i. Len Friedson explained that when government is healthy there is less appetite for a change in the form of government.
- j. Jeanne V. Gordon stated that one problem is that Council does not have active legislators, and Len Friedson agreed that Cleveland Heights does not have a tradition of it either. Chair stated that part of it may be a need for training for part-time legislators, who often come to the position without experience with legislation. Chair stated that there is a need for councilmembers to have access to some information to write legislation. Jeanne V. Gordon stated that there are cities with they have active legislators, but she is not sure if there are any charter provisions in those cities providing for training or education.
- k. Len Friedson explained that there needs to be an understanding that city council can initiate legislation and that they can receive the assistance from the Law Department. He noted that that is not an explicit provision of the charter, but the CRC could consider recommending a provision making it explicit. Jeanne V. Gordon discussed CEM's conversations about the relationship of department directors to Council. Chair explained she has found that in some charters that council has the power to organize the administration while the mayor has that authority in Cleveland Heights. She also explained that there are different appointment processes for different officials, boards, and commissions. Drew Herzig raised the issue of council having their own staff and how those staff are situated within the administration. Len Friedson noted that Council has the authority to contract with their own legal counsel. Guy Thellian asked if there are budget constraints, but Len Friedson stated that it is more an issue of the maturing of a weak council that has not asserted itself. He stated that we hope that council and the mayor can work cooperatively together. Jeanne V. Gordon agreed that there has not been a maturing of understanding politics. She explained that, under the council-city manager form of government, council's power was focused on the hiring and firing of the city manager and that they did not have to figure out these other aspects. She clarified that she did not mean this Council specifically when she talked about maturity; she meant a change in the way City Hall interacts with Council because Council is no longer the authority over the administration.
- l. Drew Herzig explained that some councilmembers have stated that it is too early into this form of this government to make changes because things are still evolving and that the CRC's facilitator cautioned that the CRC is a long-term document. Len Friedson agreed with that sentiment.
- m. Chair explained that her understanding of the CRC's charge is to determine if there are any other changes in the charter to effectuate the change in the form of government. Jeanne V. Gordon agreed that there are some provisions or language that needs to be smoothed out. Jeanne V. Gordon said she watched Council Vice President Russell's interview with the CRC and her discussion of Council's approval of removing department directors, and Jeanne V. Gordon stated that it

was interesting, but that it was not something that CEM considered when drafting the elected mayor charter amendment. Jeanne V. Gordon agreed that big changes and micromanaging may not be appropriate at the moment. Chair explained that the CRC understands that the charter is for the big picture and should not get too far into the details.

- n. Len Friedson explained that CEM wanted to avoid hog tying the mayor because he needs the freedom to be bold and big changes, but do we need to have some guidelines for the mayor. He was shocked that the topic of inquiry is even a subject of discussion, and he stated that this would not even be a problem with a stronger council. He and Jeanne V. Gordon agree that the information flow should be vigorous and ongoing at all times, not just when Council asks for information, and that the administration should be forthcoming. Jeanne V. Gordon noted there is a dearth of transparency and data. She noted that the charter amendments relating to the elected mayor should have been clearer about the role of the city administrator.
- o. Harriet Applegate stated that there is an issue beyond whether council understands its role. She noted that the previous council had a majority who supported the mayor. Jeanne V. Gordon noted that the election went the other way. Harriet Applegate stated that there is an evolution and significant changes in politics in the United States right now where it is becoming less functional and we are experiencing breakdown of institutions and democracy. Jeanne V. Gordon responded that a suburban government should avoid these issues because the focus is the delivery of city services and that the charter could address the flow of information. She stated that the elected mayor form of government amendment was not clear enough to explaining the role of the city administrator and that the intention was for the city administrator to be a chief operations officer who undertakes day-to-day administration and not an advisor to the mayor. Len Friedson agreed that the CRC should consider clarifying the role of the city administrator.
- p. Len Friedson distributed his and Jeanne V. Gordon's responses to the survey. Chair will also circulate to the CRC via email.

4) Interview with South Euclid Mayor Georgine Welo

- a. Chair thanked Mayor Welo for meeting with the CRC. Chair explained the charge of the CRC: to examine the charter in the aftermath of the change in the form of government to an elected mayor. Chair explained that the CRC invited the mayor here for insight on the relationship of council and mayor in her community. The CRC is interested in how South Euclid, by ordinance, charter or protocols, handles the balance of powers between the mayor and council and what process is used for Council to have access to directors or city staff, either to ask questions or to have directors at council or committee meetings.
- b. Mayor Welo explained that she has served first as a city council member for 8 years, then 21 years as mayor, and also has been a member of three charter review commissions. She explained that when she became mayor, she wanted council to be able to do their jobs. She said that a mayor quickly learns that if they cannot work with their council that they will not be able to move their city forward.

- c. Mayor gave some examples of changes she accomplished as a councilmember. When she became mayor, she made decisions about what she would and would not do, in order to allow her council to better do their jobs. She stated that she would not appear a committee meeting or budget hearings unless requested; she felt that the mayor in office when she was on council loomed over the discussions. She sends the appropriate director instead. She explained that city council has a big role in the budget process and city staff works with committee chairs throughout the year to keep them informed. She explained that council should have ownership of the budget, and challenge the mayor's budget, and that the mayor administers that budget. She feels strongly that the council should have access to administrative directors. Councilmembers in her city have regular meetings with administrative staff.
- d. Chair asked whether this arrangement regarding access is something that Mayor Welo implemented as mayor, and Mayor Welo responded yes. Jonathan Ciesla asked whether they have always had the mayor-council form of government, and Mayor Welo responded yes. Jonathan Ciesla asked whether her list of things she would not do was informed by her experience with a previous administration, and Mayor responded yes.
- e. Chair said she read her city's charter and noted that there is nothing extraordinary in the charter and that Mayor Welo has just chosen to operate in this way. Mayor Welo agreed, but she stated that the charter is clear on finances. She stated that a mayor should not expect a rubber stamp for a budget and that a council is not doing their job if that is the case.
- f. Chair explained that the CRC has heard so far there is not a flow of information between the administration and the council. Drew Herzig explained that there has recently been a change in the form of government and that this relationship between the branches of government is evolving. Mayor Welo explained the value of a city administrator to a mayor, which will allow them to concern themselves with higher-level policy development. She does not have a city administrator, but expects it would be very helpful to have one.
- g. Graham Ball asked if there are any levers that the CRC can pull to shape the culture of city government, and Mayor Welo stated that the city administrator position provides the biggest opening. Mayor Welo suggested that the CRC look at communication paths between mayor and the council, but she is unsure how to build that into the charter. In her city, she tells her directors to push communications to council, so council is informed about problems or even "breaking news", like fires. She believes this shows respect to council.
- h. Mayor Welo suggested inviting South Euclid Council President Ruth Gray to speak with the CRC.

5) Interview with Executive Director Kyle Herman, Rank the Vote Ohio

- a. Kyle Herman gave an overview of how rank choice voting works and provided a sample ballot for a ranked choice voting election.
- b. Kyle Herman introduced Cleveland State University Professor Sonya Charles who is a resident of Cleveland Heights and a volunteer with Rank the Vote Ohio.

- c. Kyle Herman explained that he was recently elected to Stow City Council, which gave him experience with a pick-up-to-three multi-winner election. He said a ranked choice voting election allows voters to vote more honestly. He explained the difference between ranked choice voting in single-winner elections, which can achieve proportional representation, versus multi-winner elections.
- d. Kyle Herman compared the process to costly run-off elections. Drew Herzig asked if he had found it more understandable for voters to use the term instant runoffs rather than ranked choice voting, and Kyle Herman agreed. He said that once voters use ranked choice voting, the vast majority of voters find it to be simple and easy to use, although there is a learning curve.
- e. Kyle Herman explained that Rank the Vote Ohio is a nonpartisan nonprofit organization that educates voters about ranked choice voting.
- f. Harriet Applegate explained that it is easy to explain to voters how to vote. Drew Herzig noted that it is more difficult to verbally explain the tabulation of votes. Sonya Charles suggested not getting bogged down in the tabulation and focus how the voter's second-choice will have a chance to win if their first choice candidate is eliminated. Drew Herzig stated that the CRC will have to provide the math and that they need an accessible explanation. Kyle Herman explained that the best approach is to show voters a sample ballot. He said that people he encounters who are not interested in politics want more choices and that would get them to care about politics.
- g. Guy Thellian asked Kyle Herman to explain how ranked choice voting in multi-winner elections results in proportional representation. Kyle Herman stated that it allows for more factions or lanes for candidates who have the opportunity to reach the quota needed to win election.
- h. Drew Herzig explained that the CRC is also considering a hybrid at-large/ward council, which may complicate the issue of ranked choice voting. Kyle Herman stated that ranked choice voting is consistent with an at-large/ward council election. He argued that a vote-for-up-to-three council election is even more confusing for voters because voters have to decide if they will use all of their votes or only vote for the candidates that they most support. Ranked choice voting allows them to vote more honestly. Harriett Applegate agreed that ranked choice voting eliminates problem of choosing the lesser of two evils. Kyle Herman stated that it also helps solve polarization.
- i. Kyle Herman showed the CRC a copy of Kathleen L. Barber's Proportional Representation and Election Reform in Ohio and explained that she was a John Carroll University professor who literally "wrote the book" on the history of ranked choice voting in Ohio, and he explained some of the history of ranked choice voting in Ohio. He stated that it helps increase diversity of representation, which caused a backlash that led to its repeal. Harriet Applegate explained the history of ranked choice voting in Cincinnati and how racism played a role in its repeal.
- j. Jonathan Ciesla asked if charters are the only mechanism to implement ranked choice voting. Kyle Herman responded yes and that cities have a constitutional right under Home Rule to use ranked choice voting according to an Ohio Supreme Court case.

- k. Graham Ball stated that he talked to a Rank the Vote Ohio canvasser at Cain Park and asked what the reception to ranked choice voting in Cleveland Heights has been. Kyle Herman stated that the reception has been positive, encouraging, and receptive. Kyle Herman explained that the University Heights CRC had recommended ranked choice voting, and Rank the Vote Ohio was in the area trying to educate voters. Kyle Herman explained that University Heights City Council chose not to submit it to voters because the Cuyahoga County Board of Elections stated that they did not know if they could do it, but since then the Board of Elections has clarified that Rank Choice Voting will be implemented if a city passes it.
- l. Graham Ball asked what the biggest obstacles were to ranked choice voting and whether it is just voter education. Kyle Herman agreed that voter education is the biggest obstacle. Graham Ball asked if there are political attacks on ranked choice voting. Kyle Herman responded that there is a bipartisan bill pending in the statehouse that will coerce cities by threatening to withhold local government funds if ranked choice voting is passed, but Kyle does not believe that it will pass and so it should not be a deterrent.
- m. Harriet Applegate stated that ranked choice voting helps minorities, and for example, it could lead to the election of an Orthodox Jewish councilmember in Cleveland Heights.
- n. Kyle Herman offered the assistance of Rank the Vote Ohio for education. He recommends giving City Council options, including starting with just single-winner ranked choice voting for the mayoral election.
- o. Graham Ball asked if Rank the Vote Ohio had template amendments. Kyle Herman deferred to the CRC's legal counsel, but he offered to connect them with a national organization that also helped with University Heights. Sonya Charles suggested starting with the draft used in University Heights.
- p. Chair stated that when changing an electoral system that you will have to overcome the fear of the unknown especially among people for whom the known has worked well.
- q. Jonathan Ciesla asked what the downside to ranked choice voting is. Kyle Herman explained that the biggest criticism is that it is confusing. Drew Herzig stated that political parties do not like it. Kyle Herman stated that incumbent politicians are inherently skeptical. Harriet Applegate explained the difficulty in convincing this City Council to adopt wards when four of them live in what would be the same ward.
- r. Guy Thellian asked if any other Ohio jurisdictions other than University Heights have taken any steps towards adopting ranked choice voting. Kyle Herman stated that no other cities have gotten as far as University Heights, but they have seen some interest in other communities, like Cincinnati, Hudson, and Stow.
- s. Drew Herzig asked if strategically it would be better to put forward a ranked choice voting proposal in a non-presidential election year and he mentioned the pros and cons. Kyle Herman agreed that it is a complicated strategic question, and he gave examples of statewide initiatives in Massachusetts and Alaska in 2020. Harriet Applegate expressed concerns about the inclination of low information voters to vote "no" on anything complicated.

- t. Drew Herzig asked if Ranked the Vote Ohio would be providing public education if ranked choice voting were on the ballot in Cleveland Heights, and Kyle Herman agreed that they will help however they can.
- u. Sonya Charles asked about how the CRC will proceed, and Chair explained the process for putting the recommendations of the CRC on the ballot.
- v. Chair explained that ranked choice voting will be one of several specific topics for discussion at the CRC's public input meeting on February 12.

6) Old Business

- a. Further discussion of public input meeting.
 - i. Chair informed that the February 12 public input meeting will be recorded, that she will contact the Clerk of Council to procure supplies, that Graig Kluge's article in the Heights Observer about the meeting was published, and that 12 people have registered for the meeting.
 - ii. Chair informed the CRC that a notice of the Feb 12 was published in the Heights Observer and that she distributed flyers at the Committee of the Whole Meeting on February 5, 2024.

7) New Business

- a. Chair informed the CRC that she is trying to arrange for Lakewood Mayor George to speak to the CRC, possibly on March 20. This has not been finalized.
- b. Graham Ball mentioned that the CRC's email account received an email from the public.

8) Adjourn

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

Next meeting: Wednesday, February 7, 2024, at 6 PM.